





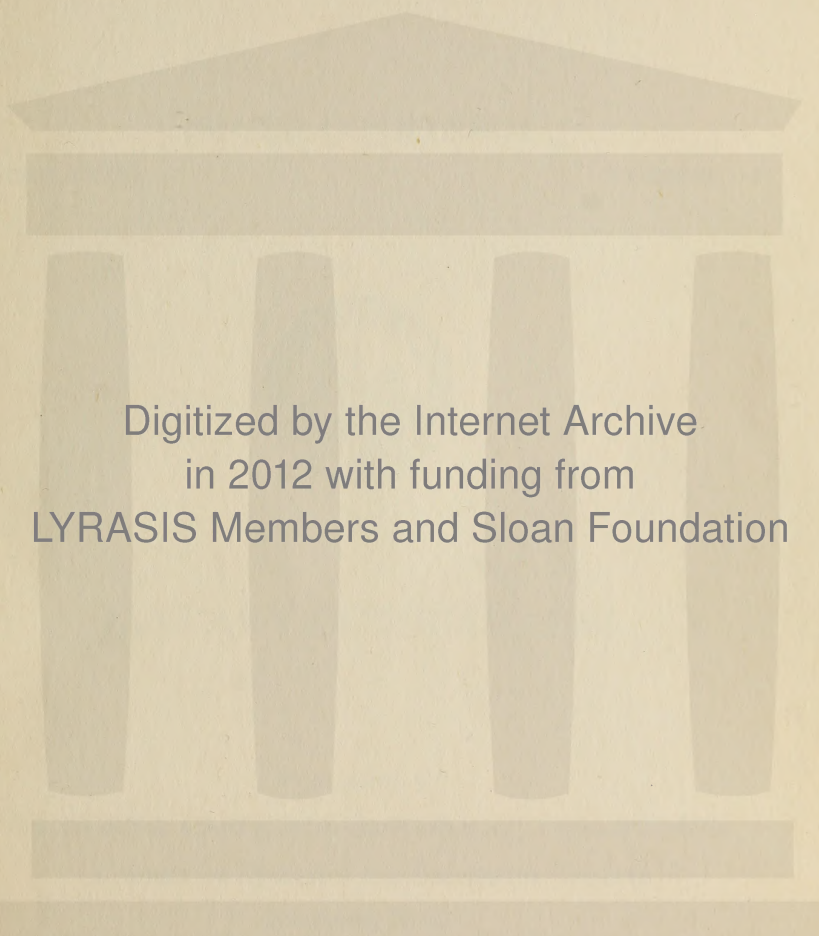
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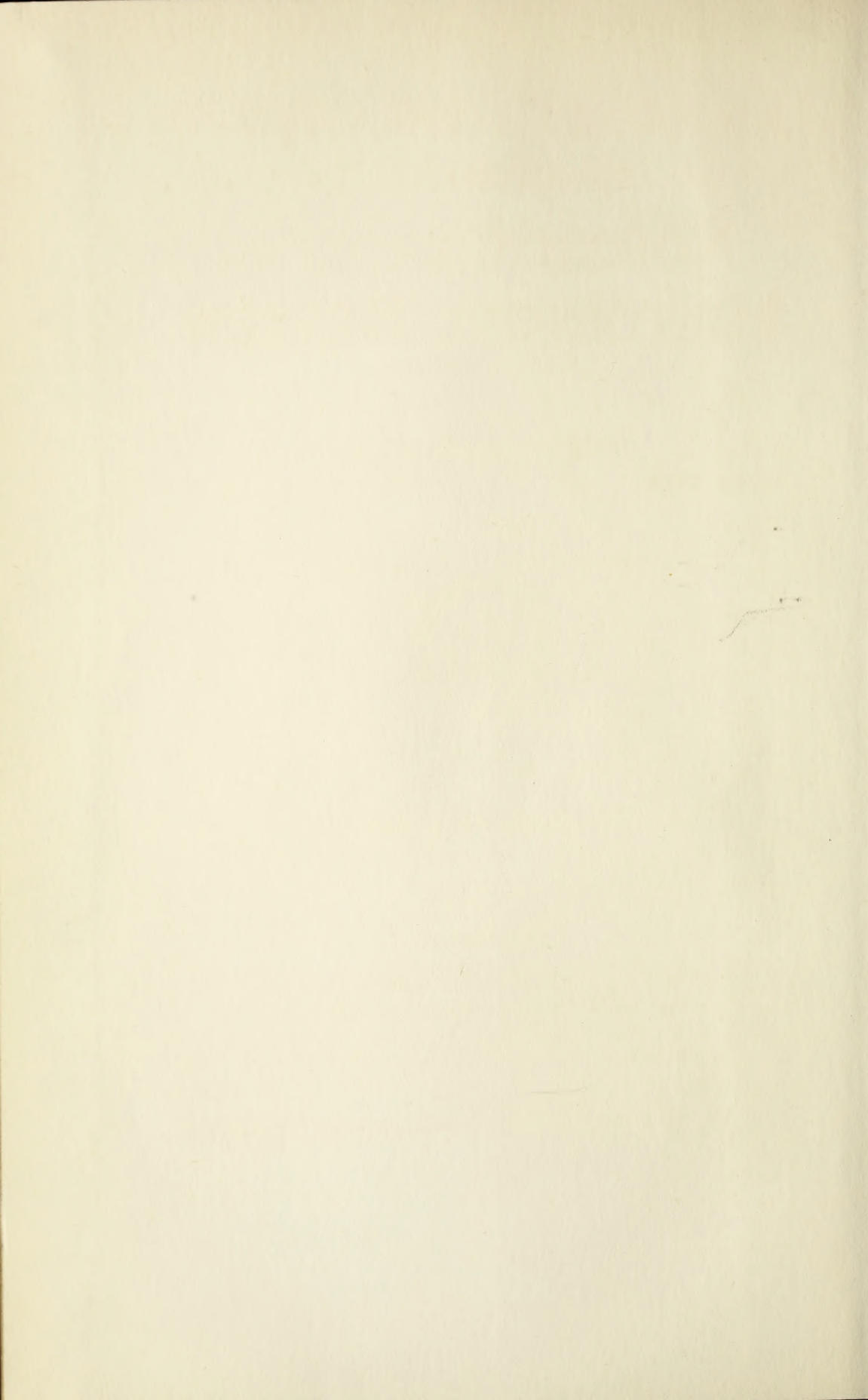








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# THE NORTH CAROLINA HISTORICAL REVIEW

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## WILLIE JONES OF HALIFAX

By BLACKWELL PIERCE ROBINSON

Willie Jones of Halifax was the outstanding radical of North Carolina in the latter part of the eighteenth century. A consummate politician and an aristocratic democrat, he won for himself the title of the Jefferson of North Carolina. Yet, in spite of the recognition of his importance by historians both early and recent, little has been written about this eighteenth-century gentleman whose life has provoked so much romantic fiction.

Like so many of his contemporaries in North Carolina, Willie Jones was not born in the colony in which he was later to become so prominent. His great-great-grandfather, James Jones, Gentleman, came to America from Wales and settled in Charles City County, or what is now Prince George County, Virginia, where he left one son, James Jones, Jr., who died in 1725. This second James Jones was the father of Robert (or Robin) Ap Jones, born in 1694, who was the grandfather of Willie Jones. A man of wealth and influence, Robin Jones, Senior, lived in eastern Virginia in Surry County or what is now Sussex County.<sup>1</sup> Owning a seat on the Assamoosack Swamp, he was Burgess from Surry County in 1750, 1753, and 1754.<sup>2</sup> He died at the age of eighty-one, leaving three sons, John, Nathaniel, and

---

<sup>1</sup> The above information is to be found in the Albemarle Parish Register (pages 44, 46, 162, 166, 169) of Sussex County, Virginia. This Register was kept during the occupancy of the Reverend William Willie. The original register, written in long hand, is in the archives of the Virginia Historical Society in Richmond. These records explode the tradition of the family, as set forth by the North Carolina historian, Wheeler, and by the *Dictionary of American Biography*, that Robin Jones came to Norfolk, Virginia, in the latter part of the seventeenth century as a boatswain on a man-of-war, and that while there he fell in love, and, failing to get a discharge from service, as the ship sailed out of the Harbor, he leaped overboard as

"... Leander swam the Hellespont  
His true love for to see."

See J. H. Wheeler, *Reminiscences and Memories of North Carolina, and Eminent North Carolinians*, p. 196.

<sup>2</sup> *Virginia Magazine of History and Biography*, VIII (1901), 252, 255-256.



Robin Ap Jones, Junior. The last was Willie Jones's father.<sup>3</sup>

Born in 1718 at his father's home in Surry County, Robin (or Robert) Jones, Junior,<sup>4</sup> was sent to the famous Eton School in England, where, as a student of law, he is supposed to have attracted the attention of Lord Granville, who later appointed him his agent for the province of North Carolina.<sup>5</sup> Robin Jones returned to Virginia and began the practice of law in Surry County, where in 1737 or 1738 he married Sarah Cobb of York County, Virginia.<sup>6</sup> Of this union, there were born five children: Willie, who was born May 25, 1741, and christened July 5, 1741;<sup>7</sup> Allen, born November 1, 1743; Robert; Martha, who married Dr. Thomas Gilchrist of Halifax, North Carolina, by whom she had several children; and Charlotte, who died at an early age. After the death of his first wife, Robin married Elizabeth Eaton of Northampton County, North Carolina, and left one daughter, Elizabeth Jones.<sup>8</sup>

Some time between 1750 and 1753 Robin Jones and his family moved to what is now Northampton County, North Carolina, about six miles from the then thriving and important center—Halifax. He built a large colonial residence, "The Castle," three miles south of the present town of Jackson, at what is now called Barrows Mill, on the road leading to Occoneachy Neck and the Halifax Ferry, eight miles south.<sup>9</sup>

From 1754 to 1761 Robin Jones was in the Assembly from Northampton, and in the latter year he was appointed Attorney General for the province of North Carolina.<sup>10</sup> As agent for Lord Granville and attorney for the Crown, he rapidly acquired immense tracts of land by grants, negotiations, and dealings with the Indians, and was probably the largest landed proprietor on the Roanoke River.<sup>11</sup>

<sup>3</sup> Albemarle Parish Register.

<sup>4</sup> Albemarle Parish Register.

<sup>5</sup> W. C. Allen, *History of Halifax County*, p. 153.

<sup>6</sup> Albemarle Parish Register; *William and Mary Quarterly Magazine*, XIX (July, 1910), p. 56.

<sup>7</sup> His godfathers were Howell Briggs and the Reverend William Willie and his godmothers were Lucy Briggs and Elizabeth Willie (Albemarle Parish Register). Willie Jones's first name is pronounced "Wyley." Its peculiar spelling is due to the fact that he was named for his godfather, Reverend William Willie. (Allen, *Halifax County*, p. 25.)

<sup>8</sup> Albemarle Parish Register; W. L. Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23; Northampton County Will Book, I, 135.

<sup>9</sup> Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23; Stuart Hall Hill. The Hill Family, VIII. This is a collection of typewritten material concerning the Hill and allied families, in the library of the University of North Carolina.

<sup>10</sup> James Monro, ed., *Acts of the Privy Council* (Colonial), IV, 484; Wheeler, *Reminiscences*, p. 196.

<sup>11</sup> W. K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, p. 179; Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23.



As to his political interests, it seems only natural that he should have been identified with the royal governors rather than the courthouse ring of the county. He was again elected to the Assembly in 1766 but died on October 2, 1766, in his forty-ninth year.<sup>12</sup>

It likewise seems only natural for a man of such affluence to send his two sons, Allen and Willie, to England to school, where they attended their father's *alma mater*, Eton.<sup>13</sup> Here they were said to have been under the charge of their father's friend and patron, Lord Granville. The exact year of their entrance is unknown, but it may be assumed that it was between the years 1748 and 1752. It is known, however, that Allen left Eton in 1753, while Willie continued at the school until 1758,<sup>14</sup> after which he spent some time on the Continent making the "grand tour."<sup>15</sup>

On his return to North Carolina, Willie was described as a "peculiarly thoughtful and eccentric man." Moreover, he decided to take a vow of celibacy and soon settled down to a bachelor's life. His brother Allen had already built his home "Mount Gallant" on the Northampton side of the Roanoke River, and Willie had his father's old home, "The Castle," left to him. Preferring to live in the town of Halifax, he is said to have torn down his paternal home and built from these timbers, many of which had supposedly been brought from England, a new home in the southern end of the town of Halifax.<sup>16</sup>

Situated in an immense park of native white oaks,<sup>17</sup> and surrounded by a beautiful grove of shrubbery, crepe myrtles, and mock oranges, this house is worthy of special note as one of the outstanding homes in colonial North Carolina. Built in accordance with the demands of the times in regard to hospitality and lavish entertainment, it was very large and substantial, and its construction was elaborate and ornate. Of particular interest was a large bay window—

<sup>12</sup> Boyd, *Tracts*, p. 179; *William and Mary Quarterly*, XIX, 56.

<sup>13</sup> One writer maintains that Willie Jones "had studied at Glasgow," though he cites no authority as proof. See Enoch Walter Sikes, "The Transition of North Carolina from Colony to Commonwealth," *Johns Hopkins University Studies*, Series XVI (1898), p. 81.

<sup>14</sup> In 1922 the late Colonel Fred A. Olds of Raleigh carried on some correspondence with the historian of Eton, Mr. Austin-Leigh, in regard to their stay at Eton, but could only find the dates of their departure, and not of their entrance, since the records of the college from 1748 until 1753 have been destroyed. Fred A. Olds, "Sketch of Willie Jones," *The Orphan's Friend and Masonic Journal* (Oxford, N. C.), February 15, 1924.

<sup>15</sup> Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), p. 23.

<sup>16</sup> Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), p. 23.

<sup>17</sup> These trees were highly valued by Willie Jones, and in his will he made a provision by which he gave to his wife "the liberty of getting firewood for her own use, on any of my land, except my grove and they are to be held sacred from the axe."



said to have been the first built in North Carolina—which formed a semi-circle with one wide center window and two small ones on each side. It was so constructed in order that its owner might watch the racing of his blooded horses on his private race-track behind the house. This track was used extensively by the residents of Halifax and by those who came from afar to indulge in the sport.<sup>18</sup>

This house soon became the council hall of many important meetings and the focal point for the belles and young blades of the section—both groups of which sought Halifax as the political and social mecca of northeastern North Carolina. There are, indeed, many contemporary accounts which elaborate on the town of Halifax and its importance. A brief glance at a few of them may throw some light upon Willie Jones's environment and thereby be of assistance in understanding his life.

The town was located on the Roanoke River, along whose borders—according to an account in 1778—lay the “wealthiest region of North Carolina,” its soil “rich and highly cultivated.” At this time the principal crops were “corn, pease, and tobacco, in immense quantities, and also some rice.” This same traveler saw “vast droves of hogs, ranging among these plantations,”<sup>19</sup> while George Washington, in his tour of the Southern states, said that “the lands are cultivated in Tobacco, Corn, Wheat and Oats, but Tobacco and the raising of Porke for market, seems to be the principal dependence of the inhabitants. . . . Cotton and Flax are also raised but not extensively.” He continued by saying that to the town of Halifax “vessels by the aid of Oars and Setting poles are brought for the produce which comes to this place, and others along the River.”<sup>20</sup>

The English visitor, Smyth, in 1774, noted that Halifax was “a pretty town” to which “sloops, schooners, and flats, or lighters, of great burden” came up the stream which was “deep and gentle.” He said that Halifax enjoyed “a tolerable share of commerce in tobacco, pork, butter, flour, and some tar, turpentine, skins, furs, and cotton”

<sup>18</sup> W. H. S. Burgwyn, “The Groves,” *North Carolina Booklet*, II (1903), 13-14; W. L. Long, “Willie Jones: A Brief Sketch of His Life and Influence in North Carolina,” *University of North Carolina Magazine*, XXVI (May, 1909), 23. At his death, Willie Jones willed it to his son, Willie William Jones, who died a bachelor; at his death, his sisters, Mrs. Eppes and Mrs. Burton, acquired possession of it (Allen, *Halifax County*, p. 141). Within the last thirty years, due to inoccupancy and decay, it has been torn down, despite the efforts of the Halifax Chapter of the Daughters of the American Revolution to reclaim and restore it. One lone chimney now stands to mark the spot. (Hill Family, VIII).

<sup>19</sup> Elkanah Watson, *Men and Times of the Revolution, or Memories of Elkanah Watson, including his Journals of Travels in Europe and America, From the Year 1777 to 1842*, p. 52.

<sup>20</sup> John Clement Fitzpatrick, ed., *The Diaries of George Washington*, III, 162-163.



and that there were "many valuable fisheries at, or in the vicinity of Halifax." This traveler "visited Willie Jones, esq. . . . among many other gentlemen's seats, and met with a most courteous and friendly reception from all."<sup>21</sup>

The society in Halifax and vicinity was said to have been "considered among the most polished and cultivated in the state."<sup>22</sup> Another writer, visiting Halifax in 1785, wrote to James Iredell of Edenton that he had "received the most flattering marks of attention and hospitality from all the inhabitants of that polite and agreeable place" of which he had "formed a pleasing idea," but which exceeded his expectations.<sup>23</sup>

Numerous indeed were the visitors who commented on its grace, gaiety, and opulence. A wedding in 1790 was celebrated by "twenty-two consecutive dinner parties, in so many different houses, the dinners being regularly succeeded by dances and all terminated with a great ball."<sup>24</sup>

Needless to say, Willie Jones was an integral part of this cultivated society. The young cavalier of pre-Revolutionary days was at this time living a bachelor's life at "the Groves" in the true style of a gentleman and planter. In fact, in these days when North Carolina was still under British rule, he seemed to care little for politics and affairs of state and was far more interested in his neighbors, his horses, and his dogs. By nature a lover of all three, he did not let his business or wealth prevent him from cultivating a "liberality of sentiment and benevolence toward his fellowmen," an "engaging and social turn," and "a friendly and hospitable disposition."<sup>25</sup>

As befitted a man of his aristocracy and wealth, he spent a great deal of time in the society of fox-hunters and lovers of blooded horses. He owned "one of the finest stables in the South," and he was also "one of the wildest gamblers in the South."<sup>26</sup>

Sir Nathaniel Dukinfield, a "rollicking young baronet," who was the master of Dukinfield, an immense plantation facing Albemarle Sound in southeastern Bertie County, was one of Willie Jones's intimate friends. After Dukinfield's

<sup>21</sup> J. F. D. Smyth, *A Tour of the United States of America, Containing an Account of the Present Conditions of the Country*, I, 52, 55-56.

<sup>22</sup> Watson, *Men and Times of the Revolution*, p. 72.

<sup>23</sup> T. Lowther to James Iredell, Eden House, N. C., July 4, 1785 (Iredell MSS.—Duke University Library).

<sup>24</sup> G. J. McRee, *The Life and Correspondence of James Iredell*, II, 304.

<sup>25</sup> G. G. Johnson, *Ante-Bellum North Carolina*, p. 82.

<sup>26</sup> R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 217.



departure for England before the Revolution,<sup>27</sup> he wrote James Iredell in Edenton many gossipy letters, in one of which he comments on Jones's genuine love of horses:

Sometime ago I met with Captain Kinlock, who had served in Tarleton's Corps; he spoke with great respect of Willie Jones's genteel behavior. Kinlock had got possession of a famous mare of Willie's which was some time afterwards strained in the shoulder, upon which Willie sent a card to Kinlock, wishing, as the mare was a favorite, and useless to him, he would return her, and any horse in his stable was at his service. Kinlock told me, he was so pleased with him that he sent the mare back.<sup>28</sup>

It is also through the medium of Dukinfield's correspondence that we learn of Willie Jones's most unusual courtship. In January, 1773, Dukinfield wrote that he heard that Willie Jones "is desirous to marry Miss Sukey Cornell, but whether he is likely to succeed, I'm not informed. If he does I wish him happy."<sup>29</sup> Miss Sukey lived then in New Bern where she was "not only a reigning toast—she was also one of the richest heiresses in the province."<sup>30</sup>

In a later letter Sir Nathaniel wrote James Iredell that he had seen Willie's sister, Mrs. Thomas Gilchrist, in Liverpool, and she had told him that her brother had "paid his addresses" to Miss Sukey, but that the latter's stern father had said he "would never give his consent to his daughter's marriage with any person who would risk a fortune on a horse race—upon which he very properly refused and spiritedly declined any further solicitation, saying that as it was his favorite amusement he would not be under any engagement to release it before marriage; but that if it had afterwards happened that his wife should solicit it as a favor, he would submit to anything for her satisfaction."<sup>31</sup>

Three years after his courtship of Miss Sukey, he forsook his life of celibacy—to which he had previously sworn himself—and on June 27, 1776, he married Mary Montfort, "notwithstanding all the appearances of war and destruc-

<sup>27</sup> Hill, *The Hill Family*, VIII, 210. See also James Boyd, *Drums*, for accounts of Willie Jones and Sir Nathaniel Dukinfield and of their gay life.

<sup>28</sup> McRee, *Iredell*, II, 86-87.

<sup>29</sup> McRee, *Iredell*, I, 165.

<sup>30</sup> Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 217. Sukey's father, a merchant in New Bern at the time, was a member of the Governor's Council and a Tory during the war. His daughter finally married a certain Leroy of New York and was the mother of the second wife of Daniel Webster. McRee, *Iredell*, I, 139.

<sup>31</sup> McRee, *Iredell*, I, 187.



tion" at the time.<sup>32</sup> She was the second daughter of Colonel Joseph Montfort and his wife Priscilla Hill.<sup>33</sup>

Willie Jones's wife was more than twenty years younger than he, and it was said that when she as a child first saw him on his return from England she said, "I am going to marry that man!" And she did. Numerous are the stories of her wit, her beauty, and her goodness. She was regarded as "the most conspicuous among the Revolutionary heroines in the region where she lived, and is said to have been eminent in every quality that constitutes excellence in female character." Possessing a remarkable faculty of gaining influence by the affections, she was regarded by an acquaintance as being "the only person with whom he was ever acquainted, that was loved, devotedly, enthusiastically loved, by every being who knew her."<sup>34</sup>

Willie Jones and his wife had thirteen children,<sup>35</sup> but only five of them lived to maturity. The deaths of these children were terrible blows to their father and after the loss of two of them at once, he was "sick" and "almost distracted."<sup>36</sup>

Of those children who survived, two were boys, Willie William and Robert Allen Jones. Willie William was born January 31, 1784,<sup>37</sup> and attended Princeton College,<sup>38</sup> and then the University of North Carolina. From the latter he received his bachelor of arts degree in 1804, and he was a trustee of the institution from 1807 to 1812.<sup>39</sup> He was described as "mentally dwarfed," and died unmarried at the Groves in 1837.<sup>40</sup> Robert Jones, the other son, was born August 11, 1796,<sup>41</sup> and died unmarried in September 1831, at "Rocky Hill," which was the county seat of his brother-in-law, Governor Hutchings G. Burton.<sup>42</sup> Thus,

<sup>32</sup> Thomas Gilchrist to Joseph Hewes, Halifax, N. C., June 18, 1776 (Hayes Collection, Edenton, N. C.).

<sup>33</sup> Mrs. Montfort was the daughter of Colonel Benjamin Hill of Bertie County. She had two sisters, Mrs. Alexander McCulloh of "Elk Marsh," a few miles west of Halifax on the old Warrenton road, and Mrs. John Campbell of Bertie County. Colonel Montfort was a gentleman of distinguished ancestry, having been descended from Simon de Montfort, Earl of Leicester. He had moved to North Carolina from Virginia some time before 1750, and in 1771 he was appointed by the Duke of Beaufort to be the "Grand Master of Masons of and for America"—an office which entailed more authority than any other Masonic officer has ever held in North America. His Commission has been preserved by the Hall of History in Raleigh, but has been lent to the courthouse at Halifax, North Carolina.

<sup>34</sup> Elizabeth Fries Ellet, *The Women of the American Revolution*, II, 160-162; John H. Wheeler, *Historical Sketches of North Carolina*, II, 186; Allen, *Halifax County*, p. 59.

<sup>35</sup> Hill, *The Hill Family*, VIII.

<sup>36</sup> McRee, *Iredell*, II, 112.

<sup>37</sup> See will, in which Willie Jones records the dates of the births of his five surviving children, giving as his reason that there was no public record of their birth.

<sup>38</sup> Olds, "Willie Jones," *The Orphan's Friend*, February 22, 1924.

<sup>39</sup> Daniel Lindsey Grant, ed., *Alumni History of the University of North Carolina*, p. 332.

<sup>40</sup> Burgwyn, "The Groves," II, 13; Hill, *The Hill Family*, VIII. His will is on record at the Halifax County courthouse. There is a tradition in the Jones family that he was sent to Europe by his father, and, liking the Old World so much, he lived for a while in Paris and later moved to Constantinople, where he kept a harem and lived like a Turkish nobleman, but later returned to Halifax before he died.

<sup>41</sup> Will.

<sup>42</sup> Hill, *The Hill Family*, VIII.



out of a family of thirteen children, there was not one to carry on the name of Jones.

The three daughters who lived to maturity all married.<sup>43</sup> Anna Maria Jones, described as "truly amiable and greatly esteemed," married Joseph B. Littlejohn, Esq., of Edenton.<sup>44</sup> Her husband had been secretary to General William R. Davie when that gentleman went to France as a member of the Louisiana Purchase Commission.<sup>45</sup>

Another daughter, Martha (or Patsy) Burke Jones,<sup>46</sup> was the second wife of the Honorable John Wayles Eppes of Buckingham County, Virginia, whose first wife had been Maria, the daughter of Thomas Jefferson. Judge Eppes long represented Virginia as Congressman and United States Senator.<sup>47</sup>

The last surviving daughter was Sally Welch Jones,<sup>48</sup> who married, first, Hutchings G. Burton, later Governor of North Carolina, and secondly, Andrew Joyner of "Poplar Grove," near Weldon, North Carolina.<sup>49</sup>

And so, with the approach of the stirring Revolutionary days, Willie Jones was living the life of a typical aristocratic planter of the times, holding vast tracts of rich land and possessing a multitude of slaves for that day. In District Nine of Halifax County alone, he owned 9,942½ acres in the year 1790.<sup>50</sup> As to the number of his slaves, there are no available figures for the period before the Revolution, but according to the Census of 1790, he was the holder of one hundred and twenty slaves, being one of the largest slave-holders in the state, while his brother, Allen, owned one hundred and seventy.<sup>51</sup> Owning so many that "he didn't know his own niggers," he employed a practice

<sup>43</sup> See Hill, *The Hill Family*, VIII, for a record of the descendants of these three daughters.

<sup>44</sup> *Minerva; or Anti-Jacobin*, Raleigh, N. C., May 28, 1804.

<sup>45</sup> Allen, *Halifax County*, p. 155.

<sup>46</sup> Will.

<sup>47</sup> *Virginia Magazine of History and Biography*, III (1896), 396.

<sup>48</sup> Will.

<sup>49</sup> Hill, *The Hill Family*, VIII.

<sup>50</sup> Halifax, List of Taxables; Inventories of Estates; Miscellaneous Papers (1784-1839), in North Carolina Historical Commission archives.

<sup>51</sup> *First Census of the United States, 1790, North Carolina*, II, 64, 77. Commenting on slavery in North Carolina, Ashe says: "There were but few great estates in North Carolina. In 1790, the largest slaveowner, Cullen Pollock, listed on four plantations, 372; Whitewell Hall, 270; Benjamin Luther, 221; Robert Haynes and Thomas Eaton in Warren, each 138. The next largest was Willie Jones, with 120" (*S. A. Ashe, Hist. of N. C.*, II, 18-19). However, there are several mistakes in this account. If one adds the slaves of Cullen Pollock (*Census of 1790: North Carolina*, I, 292), Pullen Pollock (*Ibid.*, I, 293), Cullen Pollock (*Ibid.*, I, 397), and T. King ("ov'r for Pollock"—given in Index as Thomas Pollock) (*Ibid.*, I, 481) one arrives at the figure 372. Whitewell Hall turns out to be Whitmell Hill (*Ibid.*, II, 281, 733), while Robert Haynes turns out to be Herbert Haynes (*Ibid.*, I, 1195). There is no record of a man with a name vaguely similar to Benjamin Luther. Moreover, Ashe ignores Allen Jones's 170 slaves.



customary among large planters—that of renting out a certain number at the first of each year.<sup>52</sup>

Along with his many other interests, he had a splendid library containing “a valuable collection of books.”<sup>53</sup>

With such a heritage and such surroundings, it is interesting to see how this man reacted to the Revolution and to state and national politics. His first political venture was at the early age of twenty-six, when he represented Halifax County in the lower house of the Assembly, at New Bern in 1767.<sup>54</sup> Perhaps it was due to his youth and political inexperience that he played so inconspicuous a part in this Assembly. Indeed, his chief occupation seems to have been that of messenger from the lower house to the Council—the upper house.<sup>55</sup> He was, however, appointed to two important committees, the committee “to settle the accounts of the province”<sup>56</sup> and a committee to prepare and bring in a “Bill to amend and continue the several Acts for establishing Courts of Pleas and Quarter Sessions in the Several Counties in this Province and regulating the Proceedings therein.”<sup>57</sup> This first endeavor in the political field served as a school in which he undoubtedly learned much that was to be of inestimable value in the years to come.

After his departure from this Assembly, there is no record of him in the political field until the year 1771. In this period it may well be assumed that he returned to Halifax and attended to his crops, his Negroes, and his horses.

In 1771 he was again elected to represent Halifax in the lower house. The *House Journal* of the first session credits him with but one activity: “On motion, ordered, that Mr. Willie Jones and Mr. Thomson await on his Excellency the Governor and acquaint him the House is met and desire to know when they shall wait upon him.”<sup>58</sup>

As might be expected from his heritage—both political and social—he was identified during these years with the

<sup>52</sup> Advertisement in the *North Carolina Journal*, Halifax, N. C., Dec. 14, Dec. 21, and Dec. 28, 1795. (Photostat, University of North Carolina Library):

“On the first day of January 1796, I will rent out sundry Negroes, belonging to the estate of Benjamin McCulloh, Thomas Gilchrist, and Willie Jones.—I shall also rent several plantations of the estate of B. McCulloh.

WILLIE JONES”

<sup>53</sup> Stephen B. Weeks, “Libraries and Literature in North Carolina in the Eighteenth Century,” *American Historical Association Report*, 1895, p. 208. Weeks states that a few of these books have survived to our day, but, after a diligent search, I have not been able to find any of them.

<sup>54</sup> W. L. Saunders, ed., *Colonial Records of North Carolina*, VI, 567.

<sup>55</sup> *Colonial Records*, VI, 555-563.

<sup>56</sup> *Colonial Records*, VI, 570.

<sup>57</sup> *Colonial Records*, VI, 575.

<sup>58</sup> *Colonial Records*, IX, 136.



royal governors, Tryon and Martin, and their clique. He was in the expedition of 1771 against the Regulators in Orange County as one of the 2,500 officers and men called out by Governor Tryon, and, on May 15, 1771, he was appointed aide-de-camp to the Governor, with the rank and pay of captain.<sup>59</sup> Several days later, after the Battle of Alamance, Captain Jones, with a company of horsemen, was sent to raid the plantation of Hermon Husband, the leader of the Regulators.<sup>60</sup>

Having "strictly adhered to the party of Tryon during the Regulation," Jones, along with other leaders of the province,<sup>61</sup> "publicly lamented his removal to New York, as a calamity to the Province over which he had so long presided."<sup>62</sup>

As further indication of his allegiance to the royal clique, in the years 1771-1773 he stood high in the favor of Governor Josiah Martin, the unfortunate successor of Governor Tryon.<sup>63</sup> Three successive times he was recommended by Governor Martin to the Earl of Dartmouth for appointment to the Governor's Council. In these letters he was described as a gentleman of "character and fortune," who was qualified to make a "useful" member of that board.<sup>64</sup> Later Governor Martin was "confident" that he would make a "very honorable and serviceable member" of the Council.<sup>65</sup> In Martin's last recommendation, dated November 5, 1773, Jones was described as a "respectable and promising" character.<sup>66</sup>

As a consequence, the Board of Trade recommended his appointment to the King in Council and on March 9, 1774, the latter ordered his appointment to His Majesty's Council of the Province of North Carolina.<sup>67</sup>

Having thus far received the approbation of the royal authorities, both in North Carolina and in Great Britain, between 1774 and 1775—a period when the revolutionary

<sup>59</sup> *Colonial Records*, VIII, 583.

<sup>60</sup> Marshall Delancey Haywood, *Governor Tryon of North Carolina and His Administration in the Province of North Carolina*, p. 133; William Edward Fitch, *Some Neglected History of North Carolina*, p. 229; Hugh Williamson, *A History of North Carolina*, II, 149, note.

<sup>61</sup> The Speaker of the Assembly, Richard Caswell, later Governor of North Carolina; John Ashe; Hugh Waddell, "the most distinguished soldier of the Province"; Cornelius Harnett, "the John Adams of North Carolina"; Samuel Johnston and Joseph Hewes of Edenton; and Abner Nash of Halifax County. Joseph Seawell Jones, *A Defence of the Revolutionary History of the State of North Carolina*, pp. 69-70.

<sup>62</sup> *Colonial Records*, VI, 70. Governor Tryon had left to become Governor of New York in July, 1771.

<sup>63</sup> *Colonial Records*, VI, 2.

<sup>64</sup> *Colonial Records*, IX, 360.

<sup>65</sup> *Colonial Records*, IX, 644.

<sup>66</sup> *Colonial Records*, IX, 695.

<sup>67</sup> *Acts of the Privy Council (Colonial)*, V, 571; *Colonial Records*, IX, 1105; Walter Clark, ed., *The State Records of North Carolina*, XI, 245.



spirit in North Carolina was reaching a white heat—he forsook all Tory or Loyalist alignments and threw himself whole-heartedly into the Whig cause. Indeed, he went to the extreme in this respect and early became branded even by the more conservative patriots as a radical.<sup>68</sup>

Therefore, upon receipt of the appointment to Martin's Council, he promptly refused it. Commenting on this rejection, Governor Martin, March 24, 1775, wrote the Board of Trade that Jones "declines the honor intended him, and he has indeed taken so extraordinary a part in the present distempered times that I conceive he is of very unfit principles for such a station."<sup>69</sup>

In a later letter, dated November 8, 1776, after his flight to New York, Governor Martin wrote Lord George Germain, deploring the fact that the rebels of North Carolina were "so infatuated with the idea of being an independent State, as declared by the Congress, that they have struck paper money with so liberal a hand, for the support of the war, as to have emitted five hundred and fifty-five thousand pounds, which vast sum was then nearly expended (by September, 1776). The leaders of their Politics at that time were Cornelius Harnett, Willie Jones, and Thomas Jones, who are all very guilty characters."<sup>70</sup>

As to the reason for this change of political complexion, little specific explanation can be given. One explanation may be that, having spent several years in England and on the Continent, he had seen despotic government at close range and, as a result, had formed an aversion to strongly organized governments and monarchical institutions. Yet, if this be true, his early activities in the province would appear in the light of opportunism and hypocrisy. On the other hand, it may have been that in this more or less formative period of his political career he was merely wading through the sea of doubt, trying to decide which policies to pursue. The most plausible reason for his change, however, would seem to be that he was caught in the whirlpool of the new spirit of freedom and liberalism which induced so many men far more conservative than he to renounce the mother country and to take up arms in the struggle for freedom. Or perhaps there was an economic reason for the

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<sup>68</sup> *Colonial Records*, IX, 968.

<sup>69</sup> *Colonial Records*, IX, 1172.

<sup>70</sup> *Colonial Records*, X, 900.



change: like a great many large planters, he was indebted to British merchants and saw in the Whig cause a means of canceling these debts. This seems most unlikely, however, on the basis of his later championship of Tory claims and his sense of justice and fair play in general. In fact, as will be seen later, he paid a debt of £1,145 10s. 3d. which, though due a Tory merchant, was confiscated by the State of North Carolina.<sup>71</sup>

Perhaps it may be best to accept the comment of the North Carolina historian, Moore, when he says:

Willie Jones was a chapter of contradictions. He was always a leader of the Assembly and yet rarely joined in the debates and then only to utter a few pungent and pointed sentences. Again no man was so democratic in theory and yet so patrician in his habits and tastes. When the House had adjourned after exciting debate, his real strength manifested itself. No man could be so insinuating and convincing at the fireside. Probably Governor Caswell never realized how much his views were colored by the elegant and adroit member from Halifax.<sup>72</sup>

Without venturing into the series of events between 1763 and 1775 which led to the Revolution, it might be well to review briefly the situation in North Carolina, especially in regard to sectionalism and political factions—elements which tend to reveal the rôle played by Willie Jones.

In spite of the fact that North Carolina was admittedly less aristocratic than her Northern and Southern neighbors as a whole, there were very definite social and economic cleavages between the tidewater and the upper regions which made for a marked degree of sectionalism. This sectionalism was largely due to racial and geographical divergencies. In the East, the people were preponderately of English ancestry, and the dominant element was closely associated with the Established Church, experienced in English institutions, and imbued with English ideals of government. In the West, on the other hand, the population consisted mainly of Scotch-Irish and Germans. In the more aristocratic East, the traditional large plantations, staple crops, and large-scale slave labor characterized the economic and social setup, while in the West, small farms, few slaves, and more democratic forms and ideals of society

<sup>71</sup> Robert O. Demond, *The Loyalists in North Carolina during the Revolution*, Ph.D. Thesis, Duke University, 1938, p. 270. Typescript.

<sup>72</sup> John Moore, *History of North Carolina*, I, 169.



held sway. In short, the East was an oligarchy, while the West was a democracy. The East, moreover, faced the mother country and Virginia (or in the Wilmington district, Charleston), while the West derived its ideas and its produce from Philadelphia, chiefly by way of the Shenandoah Valley.<sup>73</sup>

The divergence of these two sections manifested itself quite conclusively in the Regulator troubles, in which Captain Jones was involved. Culminating in the Battle of Alamance, May 16, 1771, this struggle, according to the best authorities, was in no way a forerunner of the Revolution, but was instead a movement against the eastern domination of political spoils in North Carolina. This fact becomes more evident when it is seen that the majority of the Regulators arrayed themselves on the side of the King in the ensuing struggle. Indeed, the Tory army of North Carolina was composed chiefly of these Regulators and the Scotch Highlanders.<sup>74</sup>

It might be repeated that Captain Jones in 1771 was in the expedition of Tryon to suppress the Regulators, who stood for the very principles which he was later to espouse: opposition to the system of centralized office-holding, excessive fines, dishonest officials, and extortionate fees. Indeed he was here opposing the very people whose cause he was later to champion.

In the rapid series of events which took place between the mother country and the colony, North Carolina was of course aroused to an extraordinary pitch of enthusiasm. It must not be supposed, however, that the people of North Carolina were united in their support of the revolutionary movement. Opposed to the Whigs were many of the Regulators, the numerous Scotch-Highlanders, who were nearly all royalists, and a determined minority in the East.<sup>75</sup>

There was, indeed, a rather imposing array of Whigs, who in the beginning had assisted in the various petitions for redress of grievances, but whose ardor gradually chilled when cries for independence were echoed throughout the province. These men—many of them the most prominent

<sup>73</sup> R. D. W. Connor, *History of North Carolina*, I, 302, 361; W. E. Dodd, *The Life of Nathaniel Macon*, pp. 16-17.

<sup>74</sup> John Spencer Bassett, "The Regulators of North Carolina," *Annual Report of the American Historical Association*, 1894, pp. 141-212; R. D. W. Connor, *Cornelius Harnett*, pp. 64-65; Connor, *History of North Carolina*, I, 319; E. W. Caruthers, *Revolutionary Incidents: and Sketches of Character, Chiefly in the "Old North State"*, p. 15.

<sup>75</sup> Dodd, *Macon*, p. 22; Connor, *History of North Carolina*, I, 361.



and best educated in upper eastern North Carolina—with Samuel Johnston as their leader, “either secretly avowed continued obedience to England, or openly demanded the enactment of the most conservative measures.” In the lower part of eastern North Carolina, a similar party gathered around William Hooper, a staunch conservative whose family publicly avowed the royal cause.<sup>76</sup> It was against these conservatives that Willie Jones was to fight a life-long battle.

Therefore, from a geographical standpoint, the Whigs had actual domination of a very small part of North Carolina<sup>77</sup>—the old “Southside of Roanoke”—a section which contained at this time between seventy thousand and eighty thousand inhabitants.<sup>78</sup> With this group Jones identified himself in the coming struggle.

The legislature met on December 4, 1773, and at once set up a committee to obtain the latest news of proceedings in England in regard to America and a committee of correspondence with the other colonies. Thus by 1774 North Carolina was wide awake to the situation and kept in close communication with the other provinces. Sensing the situation no doubt, and foreseeing a concert of action among the provinces, Governor Martin, the last royal governor of the colony, sought to prevent North Carolina from being represented in any such joint action. He thereupon dissolved the existing Assembly on the thirtieth of March<sup>79</sup> with the idea of not convening it until affairs had quieted down. This plan of Martin’s—according to a letter from Samuel Johnston to William Hooper, April 5, 1774<sup>80</sup>—was communicated by Martin’s private secretary, Biggleston, to Colonel John Harvey, Speaker of the Assembly, who replied that “the people would convene one themselves.” In relating these events to Samuel Johnston and Colonel Buncombe, at the house of the latter, Colonel Harvey was in a “very violent mood, and declared he was for assembling a convention independent of the Governor” and urged these two gentlemen to coöperate with him, saying he would lead the way and would issue hand bills under his

<sup>76</sup> Dodd, *Macon*, pp. 16-20.

<sup>77</sup> In opposition to this analysis by later historians is the statement of Moore, who maintained that in North Carolina the independence movement was “universal among all classes of the people, excepting of course, the African slaves.” Moore, *The History of North Carolina*, I, 103-104.

<sup>78</sup> Connor, *History of North Carolina*, I, 361.

<sup>79</sup> *Colonial Records*, IX, Preface, pp. xxix; Connor, *History of North Carolina*, I, 344-345.

<sup>80</sup> *Colonial Records*, IX, 968-969. Reprinted from Jones, *Defence*, p. 124.



own name. Harvey further related to the gentlemen "that he had mentioned the matter only to Willie Jones of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in his favor."<sup>81</sup>

This is our first view of Jones as an avowed opponent of the royal regime. Yet even here it might be that he was following the conservative line, since Johnston himself says in the above-mentioned letter that for his part he did not know "what better could be done," since "without Courts to sustain the property and to exercise the talents of the Country, and the people alarmed and dissatisfied, we must do something to save ourselves."<sup>82</sup>

As a result of Harvey's activities and those of other aroused patriots, a mass meeting was held at Wilmington on July 21st, with William Hooper as chairman. This meeting issued a circular which declared it "highly expedient that the several Counties of this Province should send deputies to attend a General Meeting . . . and there to debate upon the present alarming State of British America and in concert with the other Colonies to adopt and prosecute such measures as will most effectively tend to avert the miseries which threaten us."<sup>83</sup>

In response to this circular, handbills were duly issued, which called upon the people to elect delegates. The resulting convention was "the first representative assembly that ever met in North Carolina or in America, except by royal authority." Composed of seventy-one delegates, this first Provincial Congress remained in session only three days. Yet in this brief period it issued a "series of spirited and clear-cut resolutions" representing colonial views on the questions in dispute with England: it denounced unequivocally the Intolerable Acts; endorsed the proposal for a Continental Congress, to which it elected William Hooper, Joseph Hewes, and Richard Caswell as delegates; pledged the honor of the province in support of whatever measures the Continental Congress might recommend; and adopted a non-importation agreement and provided for its execution. Finally, it authorized John Harvey to call another Congress whenever he deemed it necessary.<sup>84</sup>

<sup>81</sup> *Colonial Records*, IX, 968-969.

<sup>82</sup> *Colonial Records*, IX, 968-969.

<sup>83</sup> *Colonial Records*, IX, 1016-1017.

<sup>84</sup> *Colonial Records*, IX, Preface, pp. xxxi, also pp. 1141-1149; Connor, *History of North Carolina*, I, 348-350.



In this first Provincial Congress there were five men whose services were particularly noteworthy: John Harvey, William Hooper, Willie Jones, Samuel Johnston, and James Iredell. These were "the principal pioneers in that great and perilous undertaking."<sup>85</sup> This Congress, moreover, recommended "to the deputies of the several Counties, that a Committee of five persons be chosen in each County by such persons as accede to this Association to take effectual care that these Resolves be properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province."<sup>86</sup>

Dominating the Halifax Committee was Willie Jones, who by now was most ardent in his revolutionary zeal and deeply devoted to democratic principles, the championship of which was to earn for him the title of the Thomas Jefferson of North Carolina.<sup>87</sup> Indeed, he and Richard Caswell, who was later to be a general in the Revolution, and Treasurer and Governor of the State, were in this and every body of which they were members "the leaders in impressing their views of the true American policy," being "ever agreed and irresistible in their conjoined influence over the deliberative Assemblies of the Revolution and the succeeding years."<sup>88</sup> As a rule, though, Willie Jones was "never conspicuous on the hustings or in the debates of deliberative bodies, but in his powerful and original mind was to be developed the larger portion of the policy of his people during the continuance of his life."<sup>89</sup> Although his brother, Allen, was equally active in the Revolution, he was "ever at variance with his brother as to the true policy of the people in the formation of their institutions." While Caswell and Willie Jones were to be the authors of a scheme of government "far more democratic," Allen Jones and Samuel Johnston were "at this time and ever afterwards the great advocates of aristocratic rule."<sup>90</sup>

During the year 1774 and the early months of 1775, the Committees of Safety constantly usurped more and more authority, until they held virtual control of the executive, judicial, and legislative powers. Realizing the desperateness

<sup>85</sup> Jones, *Defence*, p. 123.

<sup>86</sup> *Colonial Records*, IX, 1047.

<sup>87</sup> Connor, *History of North Carolina*, I, 355; Moore, *History of North Carolina*, I, 162; *Colonial Records*, IX, 1101.

<sup>88</sup> Moore, *History of North Carolina*, I, 168-169.

<sup>89</sup> Moore, *History of North Carolina*, I, 162.

<sup>90</sup> Moore, *History of North Carolina*, I, 169.



of the situation, Governor Martin issued writs for a new legislature to convene April 8, 1775. Immediately thereupon John Harvey issued a proclamation for a new convention to meet simultaneously and in the same place as appointed by Martin for the meeting of the legislature. In spite of a counter-proclamation by Governor Martin, the delegates to the convention were duly elected and met at the appointed time in New Bern. The notable fact is that though these were two bodies in appearance, there was only one in actuality. Every member of the Assembly present was a member of the convention, with Harvey alternating between "Speaker" and "Moderator," depending on whether the Governor's private secretary was at the door. The convention formally approved the proceedings of the Continental Congress at Philadelphia. Willie Jones was of course present at this convention and signed the non-importation "Association" which had been drawn up October 20, 1774. The legislature also met, but its proceedings were so revolutionary that on the fifth day of its session it was dissolved by the Governor—thus ending the last legislative body that ever sat in North Carolina under royal rule.<sup>91</sup>

With the news of the battles of Lexington and Concord, there was an immediate hue and cry for another general Congress, as a result of which Samuel Johnston—Harvey having recently died—called a Congress to meet at Hillsboro, August 20, 1775.<sup>92</sup> Willie Jones represented the borough of Halifax and was immediately appointed to a number of very important committees, among which was "a Committee for the purpose of preparing a plan for the regulation of the Internal peace, order and Safety of this Province, and making such arrangement in the Civil police of this Province, as may tend to supply in some measure the defeat of the executive powers of government."<sup>93</sup> To this committee was entrusted the duty of proposing a system of government which would supply the want of an executive officer arising from Governor Martin's departure. This committee was recognized as the most important one yet appointed by popular authority and achieved one of the most difficult and trying ends of the Revolution.<sup>94</sup>

<sup>91</sup> *Colonial Records*, IX, Preface, pp. xxxii, xxxiii, and also pp. 1178-1185; Moore, *History of North Carolina*, I, 177-183; Jones, *Defence*, pp. 151-171.

<sup>92</sup> Connor, *History of North Carolina*, I, 370; Moore, *History of North Carolina*, I, 195.

<sup>93</sup> *Colonial Records*, X, 169, 173, 180, 175.

<sup>94</sup> Jones, *Defence*, p. 198.



Aside from serving on various other committees of importance, Jones was chosen, on September 9, as a member of the Provincial Council, composed of thirteen members, with Cornelius Harnett as president.<sup>95</sup> This council was the chief executive and judicial authority of the new government and was to meet every three months. It was given authority to direct the military operations of the province, to call out the militia when needed, to execute the acts of the Assembly, and to have appellate jurisdiction over the district committees of correspondence. Finally, in a very elastic clause, it was invested with the power "to do and transact all such matters and things as they may judge expedient to strengthen, secure, and defend the Colony."<sup>96</sup>

Faced with a threatened invasion, its chief concern was quite naturally military—appointments, disbursements, and provisions for ammunition and other military supplies.<sup>97</sup> Due to the brevity of the journal,<sup>98</sup> it is impossible to determine the rôle played by Willie Jones.<sup>99</sup>

Cornelius Harnett again convened the Provincial Council, which met on December 18, 1775, at the courthouse in Johnston County. All members were present. This council, in view of the fact that it seemed apparent that North Carolina would "soon be invaded by the British Troops and the Inhabitants destitute of sufficient arms for defence of their lives, liberties and properties," impowered a committee, to which Willie Jones was appointed, to "purchase materials and employ proper persons to make and mend Guns and Bayonets and also to purchase good serviceable Guns, Gun Barrels, Stocks and Locks, Lead and Flints."<sup>100</sup> Like the former, this session met only a short time—seven days—and was chiefly concerned with defence measures.<sup>101</sup> Its last session, in February, 1776, was likewise occupied with such measures.<sup>102</sup>

Two months after this last meeting, the Provincial Congress, summoned by Samuel Johnston, met at Halifax on April 4th. Though Jones was duly elected to this important

<sup>95</sup> *Colonial Records*, X, 214.

<sup>96</sup> *Colonial Records*, X, 209-210.

<sup>97</sup> *Colonial Records*, X, 283-294.

<sup>98</sup> *Colonial Records*, X, 283-294. These pages contain the complete journal of this session of the Council.

<sup>99</sup> The other members, besides Willie Jones and the President, were Samuel Johnston and Samuel Ashe from the Wilmington district, Thomas Jones and Whitmell Hill of Edenton, Abner Nash and James Coor of New Bern, Thomas Person and John Kinchen of Hillsboro, Thomas Eaton of Halifax, and Samuel Spencer and Waigstall Avery of Salisbury. *Colonial Records*, X, 214.

<sup>100</sup> *Colonial Records*, X, 354-355.

<sup>101</sup> *Colonial Records*, X, 349-362.

<sup>102</sup> *Colonial Records*, X, 469-477. Complete journal.



assembly, he was prevented from attending, due to the fact that he had been appointed, by the Continental Congress, Superintendent of Indian Affairs for the Southern Department. He had already gone to Fort Charlotte in Georgia.<sup>103</sup>

This third North Carolina Provincial Congress is most significant in that it unanimously instructed its delegates at the Continental Congress "to concur with the delegates of the other Colonies in declaring Independency, and forming foreign alliances."<sup>104</sup> Thus, "North Carolina was the first colony to vote explicit sanction to independence."<sup>105</sup> Along with its duty of providing ways and means of prosecuting the war, this assembly was expected to form "a temporary Civil Constitution,"<sup>106</sup> but this project was abandoned. Instead, the Provincial Council and the District Committees of Safety were abolished in favor of a new State Council of Safety which had, in general, the same powers as the old Provincial Council.<sup>107</sup>

Now the undisputed leader of the radicals,<sup>108</sup> Willie Jones defeated the conservative Samuel Johnston as member at large of this council.<sup>109</sup>

Until this time, there had been a remarkable unanimity in Whig resistance to the British, but this Congress—especially in its efforts to frame a constitution—marks the first clearly perceptible cleavage along party lines. According to one historian, "the whole proceeding was of a party nature; for there were, even at this early period of the existence of the Whig Government, two rival factions, contending for supremacy and power."<sup>110</sup> It was, indeed, a sweeping victory for the Radicals and their leader over the Conservatives—the one party emphasizing the word "liberty," the other modifying it by the adjective "constitutional."<sup>111</sup>

The conservatives were headed at this time by Samuel Johnston and Allen Jones. Though ardent champions of freedom and independence, they seriously and consci-

<sup>103</sup> *Colonial Records*, X, 501-502. Colonel Ashe erroneously makes him a member of this Congress. Samuel A. Ashe, *A History of North Carolina*, I, 526.

<sup>104</sup> *Colonial Records*, X, 512.

<sup>105</sup> George Bancroft, *History of the United States*, VIII, 352.

<sup>106</sup> *Colonial Records*, X, 515.

<sup>107</sup> *Colonial Records*, X, 579-580.

<sup>108</sup> Connor, *History of North Carolina*, I, 403.

<sup>109</sup> *Colonial Records*, X, 581-582. The other members elected were Cornelius Harnett and Samuel she of the Wilmington district, James Coor and John Simpson of the New Bern district, Thomas Jones and Whitmell Hill of the Edenton district, Thomas Eaton and Joseph John Williams of the Halifax district, Thomas Person and John Rand of the Hillsboro district, and Hezekiah Avery and William Sharpe of the Salisbury district.

<sup>110</sup> Jones, *Defence*, p. 358.

<sup>111</sup> Henry McGilbert Wagstaff, *State Rights and Political Parties in North Carolina—1776-1861*, p. 9; Connor, *History of North Carolina*, I, 402; Connor, "Samuel Johnston," *North Carolina Booklet*, XI (April, 1912), 273.



entiously queried the infallibility of the popular voice, which was encroaching "not so much on the rights of persons, but the right of property," and was clamoring for "the vagrant principle of universal suffrage, the popular election of judges, and the despicable dependence of authority upon the will of the people at large." The Conservatives favored, in short, "not a pure democracy, but rather a representative republic, with annual elections to hold the legislature in check."<sup>112</sup>

Against this party were arrayed the forces of radicalism, which, according to "Shocco" Jones, were motivated by "the demagogues of the Whig Party started on their career of popularity." And such was this writer's delineation of Willie Jones and Thomas Person, the two "most eminent and zealous" of these leaders, to whom "the establishment of a democracy was an object of superior importance to the Independence of the Country." These statements, coupled with the assertion that "a much nobler motive animated the bosom of Samuel Johnston and his conservative friends,"<sup>113</sup> seem hardly worthy of comment, except as an example of incense-burning at the altar of conservatism and the hallowed rights of property.

The important thing, however, is that the Radicals, following the sentiments of their leader, resolved at this Congress in Halifax "to establish a purely democratic form of government,"<sup>114</sup> while the Conservatives held out for a "splendid government, representing the property of the people, and thus giving by its own independence and splendor a high character of dignity to the State."<sup>115</sup> Though a compromise was about to be effected, the new constitution was overthrown, as we have seen, and the Council of Safety was approved as the directing organ of governmental affairs.

This council, which was to sit constantly, held its first session at Wilmington on June 5, and, since Willie Jones, who was designated as President by the Congress, was absent in his capacity as Superintendent of Indian Affairs,<sup>116</sup> Cornelius Harnett was unanimously elected President.<sup>117</sup> Harnett served in this capacity until August 21, when he

<sup>112</sup> Jones, *Defence*, pp. 273-274; Ashe, *History of North Carolina*, I, 528.

<sup>113</sup> Jones, *Defence*, pp. 274-276. This author seems to contradict himself in a following paragraph when he says that the radicals "contended with much show of reason, that the success of the revolution depended upon the adoption of a purely democratic form of government, and that the hope of such a thing was the sole cause of the enthusiasm of the lower orders of the people."

<sup>114</sup> *Colonial Records*, X, 278.

<sup>115</sup> *Colonial Records*, X, 275-276.

<sup>116</sup> McKee, *Iredell*, I, 324-325.

<sup>117</sup> *Colonial Records*, X, 619.



resigned and was succeeded by Samuel Ashe,<sup>118</sup> who in turn was succeeded by Willie Jones at Halifax, September 27, 1776.<sup>119</sup> The latter served as President of the Council of Safety and as virtual Governor of the province until the meeting of the constitutional convention in December, which replaced the provisional government with a permanent one.<sup>120</sup>

Thus at the time of the Declaration of Independence and of the emergence of North Carolina as an independent state, we find North Carolina in the hands of a "radical, omnipotent majority," headed by Willie Jones. Yet, however conscious of their power and strength, they "sought no personal triumph, no personal victory,"<sup>121</sup> in spite of the attacks of such men as Iredell<sup>122</sup> and Shocco Jones.<sup>123</sup> Indeed, in this six-month period between the abortive attempt to frame a constitution and its final adoption, they sought only one triumph—"the great cause in which the minority, as the majority well knew, were also thoroughly enlisted." Thus they did not press the conservatives, but, under the leadership of Willie Jones and Thomas Person, displayed remarkable moderation and a commendable spirit of compromise.<sup>124</sup>

Before completing a discussion of Jones's activities under the provincial government, attention should be turned to his relation to Indian affairs. In 1775 three departments of Indian affairs were created by Continental Congress, and he was one of the commissioners of the Southern department.<sup>125</sup>

The Americans at this time were most apprehensive in regard to the incitation of the Indians by the British. And well they might be. In fact, the most that the Continentals could hope for was their neutrality.<sup>126</sup> It was, therefore, with this idea in mind that the Provincial Congress of 1776 ordered that "a sum not exceeding one thousand pounds" be advanced to Jones, which sum was "to be laid out in part or in whole at his discretion in presents to the Indians and for his own expences."<sup>127</sup> As a result of this allotment, in

<sup>118</sup> *Colonial Records*, X, 701.

<sup>119</sup> *Colonial Records*, X, 873.

<sup>120</sup> Connor, *History of North Carolina*, I, 404.

<sup>121</sup> *Colonial Records*, X, Preface, p. xxxviii.

<sup>122</sup> McRee, *Iredell*, I, 334.

<sup>123</sup> See above, p. 34.

<sup>124</sup> *Colonial Records*, X, Preface, p. xxxviii.

<sup>125</sup> *Journals of the American Congress: From 1774 to 1788*, I, 120-121.

<sup>126</sup> Connor, *History of North Carolina*, I, 380-381.

<sup>127</sup> *Colonial Records*, X, 214.



November of that year he joined the other four Southern agents at Salisbury, where they were met by a delegation of Creek warriors.<sup>128</sup>

Upon Jones's suggestion after his return, the Council of State ordered General Rutherford to gather 2,500 troops "to march immediately and carry the war if necessary into the Cherokee Country" where he was "to act with the greatest vigour." An additional five hundred men from the Hillsboro Brigade under the command of Colonel Joseph Taylor were to join him there.<sup>129</sup> Reporting on this expedition to the Cherokee country, Jones wrote Patrick Henry a glowing account:

We flatter ourselves that the Southern States will suffer no further Damage this Season, from the Savages, as it will employ their whole time to provide Sustenance and shelter for their Squaws, and children.<sup>130</sup>

In the fall of that year, Jones decided to resign as Commissioner of Indian Affairs, as he had "recollected a man who lives two hundred miles nearer to the State of Business."<sup>131</sup> This resignation left him free to devote his talents and energy to his position as President of the Council of Safety and to his duties as member of the state constitutional convention.

Independence having been declared by the Continental Congress, the Council of Safety on August 9, 1776, "recommended to the good people of this now Independent State of North Carolina to pay the strictest attention to the Election to be held on the 16th day of October next," since it would be "the Business of the Delegates then Chosen not only to make Laws for the good Government of, but also to form a Constitution for this State."<sup>132</sup>

Designed as an effort on the part of the radical Council to put its adherents on guard against any attempt of the conservatives to carry the election,<sup>133</sup> this recommendation is attributed to Willie Jones,<sup>134</sup> who was reputedly most anxious to unseat the symbol of conservatism, Samuel Johnston. While Jones undoubtedly sought Johnston's

<sup>128</sup> *Colonial Records*, X, 330-331.

<sup>129</sup> *State Records*, XI, 328. Letter to General Rutherford from Council of Safety.

<sup>130</sup> *Colonial Records*, X, 861. Willie Jones to Patrick Henry.

<sup>131</sup> *State Records*, XV, 153.

<sup>132</sup> *Colonial Records*, X, 996.

<sup>133</sup> Allan Nevins, *The American States during and after the Revolution*, p. 131, note.

<sup>134</sup> McRee, *Iredell*, I, 333.



defeat, it seems unlikely that the above recommendation, issued at the meeting of the Council of Safety at Wake County Courthouse, was made by him, since he did not set out for this meeting until about ten days later.<sup>135</sup>

The ensuing campaign was violent and intense in the extreme, with the radicals contending that the conservatives intended a monarchical government adverse to the liberties of the people. The radicals, indeed, were accused of seeking every means "to poison the minds of the people; to inflame their prejudices; excite alarm; and sow in them, by indefinite charges, and vague whispers, the seeds of distrust."<sup>136</sup> The outcome was a striking triumph for the radicals and the defeat of Johnston. Rioting and debauchery attended the celebration of the victory. Especially was this true in Chowan County, Johnston's home, where he was burned in effigy.<sup>137</sup>

The Congress assembled at Halifax, November 12, 1776.<sup>138</sup> Chosen as a borough member from Halifax, he took his seat on the first day of the session in which he was to distinguish himself.<sup>139</sup> At the instance of Allen Jones, on the first day Richard Caswell was unanimously elected President.<sup>140</sup> Since Caswell was classed as a moderate, if not a conservative, such a choice indicated a slight reaction to the rampant radicalism of the October elections.<sup>141</sup> On the second day a committee was appointed "to form and lay before the Congress a Bill of Rights and the form of a Constitution for the government of the State."<sup>142</sup> The radical wing as represented on this committee by Willie Jones, Thomas Person, and Griffith Rutherford; the moderates by Caswell and Harnett; and the conservatives by Allen Jones, Thomas Jones, Samuel Ashe, and Archibald Maclaine.<sup>143</sup>

On December 6, Thomas Jones, representing the committee, reported that the form of the constitution was ready for consideration. After a debate, paragraph by paragraph, the bill of rights was passed December 17, and on the follow-

<sup>135</sup> McRee, *Iredell*, I, 331. Letter from Thomas Jones to James Iredell.

<sup>136</sup> McRee, *Iredell*, I, 334.

<sup>137</sup> McRee, *Iredell*, I, 334.

<sup>138</sup> *Colonial Records*, X, 913.

<sup>139</sup> *Colonial Records*, X, 915.

<sup>140</sup> *Colonial Records*, X, 916.

<sup>141</sup> Connor, *History of North Carolina*, I, 412. Yet on the next day a popular victory was won in the mode of voting, when the house decided that for the future all questions should be determined by voice instead of by counties and boroughs, as formerly. *Colonial Records*, X, 917.

<sup>142</sup> *Colonial Records*, X, 918.

<sup>143</sup> Connor, *History of North Carolina*, I, 412.



ing day the constitution itself was finally adopted as the constitution of North Carolina.<sup>144</sup>

The authorship of the bill of rights and the constitution has been a highly controversial subject, and has been variously ascribed to Willie Jones,<sup>145</sup> Thomas Jones,<sup>146</sup> Richard Caswell,<sup>147</sup> and Thomas Burke.<sup>148</sup> While Willie Jones, who "could draw a bill in better language than any other man of his day,"<sup>149</sup> undoubtedly had a determining influence in the final shaping, it may well be assumed that this, as "all American Constitutions," was a compromise, and that to no one man, but to many, must be ascribed the honor of framing the Halifax Constitution.<sup>150</sup> Nevertheless, granted that the constitution was a compromise, the words of Shocco Jones seem to be particularly pertinent:

They (Willie Jones and Thomas Jones) were most undoubtedly the framers of the instrument; and it bears in so many instances the stamp of the peculiar services of Willie Jones, that I cannot give up the conclusion, which I formed some years since, that he had a material agency in its composition, as well as its adoption.<sup>151</sup>

Rarely does one come upon such contradictory opinions as those concerning not only the authorship but also the nature of this constitution. One historian asserts that democracy overleaped itself and ascribes the "highly unsatisfactory nature of the North Carolina Constitution" to "an excess of radicalism," which indicated a "natural reaction from the difficulties of the colonists with the royal governors, Tryon and Martin."<sup>152</sup> On the other hand, another historian maintains that the government established was "a representative democracy in form, but in form only,"<sup>153</sup>

<sup>144</sup> *Colonial Records*, X, 974.

<sup>145</sup> Jonathan Elliott, ed., *Debates of the Convention of North Carolina*, p. 394. Jesse Wilson of Perquimans County in the constitutional convention of 1835 asserted that "the constitution is thought to have been as much or more the work (the 32nd chapter excepted) of Willie Jones than any other individual." Ashe adds that if this be true, Willie Jones was "not such a radical democrat as some have supposed." (Ashe, *History of North Carolina*, I, 565.) Allan Nevins, however, says that Willie Jones "did as much to shape the Constitution as Caswell." (Nevins, *American States*, p. 138.)

<sup>146</sup> Jones, *Defence*, p. 287. The author states that the constitution and the bill of rights "were said to have come from the pen of Thomas Jones, aided and assisted by Willie Jones."

<sup>147</sup> Moore, *History of North Carolina*, I, 226. The author refutes Shocco Jones in regard to Willie Jones by saying that Caswell was the real creator of the constitution and that the historian Jones was "far from reliable in his statements concerning Willie Jones."

<sup>148</sup> Wheeler, *History of North Carolina*, I, 86. The author ascribes credit to Thomas Jones, Thomas Burke, and Richard Caswell.

<sup>149</sup> Jones, *Defence*, p. 138.

<sup>150</sup> Sikes, "The Transition of North Carolina," *Johns Hopkins Studies*, XVI, Nos. 10-11, pp. 79-80.

<sup>151</sup> Jones, *Defence*, p. 139.

<sup>152</sup> Jones, *Defence*, p. 139.

<sup>153</sup> Nevins, *American States*, p. 141.

<sup>154</sup> Connor, *History of North Carolina*, p. 417.



being more accurately characterized as "an oligarchy in fact and in practice."<sup>154</sup>

Upon examination, the latter view appears to be correct, in spite of the fact that the bill of rights,<sup>155</sup> consisting of twenty-five articles, would seem to herald a very democratic document. It declared that "all Political Power is vested in, and derived from the People only," and enumerated the usual guarantees of English liberty, such as trial by jury, freedom of conscience, freedom of the press, etc. These sentiments, whether written by Willie Jones or not, coincide with his doctrines and philosophy.

The frame of the constitution was the vehicle by which the radicals sought to ride into the promised land of a pure democracy; yet the resulting document was—to say the least—very disappointing. Indeed, their chief victory was in the limitation of the executive power. "No more hopeless executive existed anywhere south of Pennsylvania."<sup>156</sup>

As to its less democratic features, representation in the legislature was based on counties and certain boroughs as such, and not on population. Suffrage and office-holding requirements were also incorporated. The legislative branch was all-powerful, being allowed to elect the governor and other executive officers, the councillors of state, and the judges, who enjoyed life-tenure. Article 32, moreover, excluded from office-holding any person who denied "the Being of God, or the Truth of the Protestant Religion, or the divine Authority either of the Old or New Testament"—thus excluding Roman Catholics, Jews, atheists, and deists.

However much of the constitution Jones wrote, it is absolutely certain that he fought this article, since he himself was a deist.<sup>157</sup> Being a believer in this more or less fashionable eighteenth-century creed did not prevent him from holding office, and as far as is known, this right was never questioned.

Nor were his activities at this convention confined to work on the constitution. As usual, he figured prominently in various committees dealing with military and financial

<sup>154</sup> Connor, "Ante-Bellum Builders of North Carolina," *North Carolina State Normal and Industrial College Historical Publications*, No. 3, p. 23.

<sup>155</sup> *Colonial Records*, X, 1003-1006.

<sup>156</sup> Nevins, *American States*, p. 141.

<sup>157</sup> *Debates in the Convention of North Carolina, 1836*, p. 394. In discussing Willie Jones's part in writing the Halifax constitution, Jesse Wilson said on the floor of the convention: "Yet under that very Charter was he [Willie Jones] prescribed by the bigotry of the 32d section. Shall a clause be retained in our Constitution which would exclude from office a JONES, the Champion of the Whigs in the Convention of 1776, that framed our State Constitution? . . ."



affairs. A striking recognition of his business ability was his appointment, on November 6, 1776, along with Robert Smith of Edenton and Alexander Telfair of Halifax, by the Continental Congress, "to audit and settle the Continental Accounts in Virginia."<sup>158</sup>

Thus, by his thirty-fifth year, Willie Jones had already devoted a significant part of his life to the affairs of North Carolina.

[ *To be continued* ]

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<sup>158</sup> *American Archives*, III, 1562.

# WILLIAM HENRY TIMROD, THE CHARLESTON VOLUNTEERS, AND THE DEFENSE OF ST. AUGUSTINE

By GUY A. CARDWELL, JR.

A manuscript memorandum by William Henry Timrod of Charleston, South Carolina, concerning the defense of St. Augustine at the beginning of the Seminole War deserves the notice of regional historians if only because it focuses attention on an incident which is in itself worthy of being described. And although William Henry Timrod is usually known, if at all, because he sired Henry Timrod, the poet of the Confederacy, his own paradoxical personality has interest.

Timrod was a bookbinder by trade, a methodical bookbinder who kept factual records of the happenings of each day; yet he was subject to hallucinations.<sup>1</sup> He attended many churches seeking salvation and, perhaps, a competent preacher; but he also took many apparently morally reprehensible walks "up the road" on Sundays.<sup>2</sup> The iniquity of the Sunday walks weighed upon him sufficiently to cause him to determine to spend the Sabbath "in future in a better manner," but of his churchgoing he was constrained to write in a state of apathetic disillusionment: "Heard Eleven (14) Sermons this year with the usual effect—"

In 1814 Timrod published a volume of his verses,<sup>3</sup> and in 1822 he edited a weekly literary periodical, probably in the tradition of Addison's *Spectator*, called *The Evening Spy*.<sup>4</sup> But in spite of Timrod's literary aspirations, his memorandum on the defense of St. Augustine, printed below, is succinct and precise, quite without the flourishes that one might have expected of a minor poet. The document serves the historian all the better by reason of its sober tone, for it

<sup>1</sup> The information on Timrod's life which I use in this paper comes for the most part from his day-books, now in the archives of the Charleston Library Society. The Society has in one volume Timrod's journal for 1825-1829 and in another, entitled *In Memoriam Capt. W. H. Timrod*, his journal for 1836. Both volumes are included in the Courtenay Collection.

<sup>2</sup> There may be no connection between Timrod's "up the Path" or "up the Road" (he used both phrases) and the "up the Path" which Paul Hamilton Hayne defined, but I have found no other mention of the phrase. Hayne wrote that "up the Path" was "the name of a famous drive, during the Colonial and Revolutionary days, in the vicinity of Charleston. A magnificent avenue of live-oaks, concerning which old John Archdale, Quaker governor of the Province for a season, and one of the Lords' proprietors, enthusiastically affirmed that it was such as no Prince in Europe could boast of possessing." See *The Southern Biographer*, I (Oct., 1885), 263.

<sup>3</sup> *Poems on Various Subjects* (Charleston: J. Mill, 1814).

<sup>4</sup> For announcements of *The Spy* see *The Courier* (Charleston) for Jan. 4 and Jan. 7. No copy of *The Spy* is known to be extant.



supplements and qualifies the rather florid records (both quite difficult of access) kept by two other Charlestonians who also went to St. Augustine in 1836.<sup>5</sup>

Fully to understand the circumstances of Timrod's memorandum, one must recall certain stirring events in the history of Charleston and St. Augustine, events suggestive of the casual but neighborly relationships existing between towns, states, and territories in the comparatively unfederal era before the Civil War.

As early as October, 1834, Indians who had determined not to be moved from Florida to the new western lands were buying unusual quantities of ammunition.<sup>6</sup> At Cabbage Swamp, on June 22, 1835, a planter discharged his pistol in violation of officer's orders and bloodshed followed.<sup>7</sup> Then came the killing of Charley-E-Mathlar and the Dade massacre,<sup>8</sup> and the war was definitely started. Early in January more than sixteen hundred Indian warriors were in the field.<sup>9</sup> In the course of the month, sixteen large plantations of East Florida were laid waste and captives were tortured and killed.<sup>10</sup>

To protect the plantations, two militia companies were sent down the coast from St. Augustine. As a consequence, St. Augustine was left virtually undefended. To add to the difficulties of those left in the city, several hundred Negroes were brought in from outlying plantations; and it was feared that the Negroes might act in conjunction with the Indians. When the perturbed citizens called a meeting to devise means of protection, they discovered that only seventy men, most of them old or sick, remained in St. Augustine and that of the thirty or forty rusty muskets, rifles, and shotguns that were available, not ten would fire.<sup>11</sup> But a patrol was organized, ammunition was obtained, and the guns were repaired. Most important of all, appeals for aid were broadcast.

<sup>5</sup> See *Sketch of the Seminole War, and Sketches during a Campaign*. By a Lieutenant, of the Left Wing (Charleston: Dan. J. Dowling, 1836), and M. M. Cohen, *Notices of Florida and the Campaigns* (Charleston: Burges & Honour, 1836). In *The Courier* for January 1, 1836, Cohen is named as secretary of the public meeting held in Charleston on the previous day.

<sup>6</sup> Caroline Mays Brevard, *A History of Florida from the Treaty of 1763 to Our Own Times* (Publications of the Florida State Historical Society, No. 4, Deland, Fla.: Printed for the sustaining members of the society, 1924), I, 129.

<sup>7</sup> John T. Sprague, *The Origin, Progress and Conclusion of the Florida War* (New York, 1848), p. 28.

<sup>8</sup> For a good account of the Dade massacre, see Albert H. Roberts, "The Dade Massacre," *The Florida Historical Society Quarterly*, V (July, 1926), 123-138.

<sup>9</sup> Sprague, *Florida War*, p. 97.

<sup>10</sup> Brevard, *History of Florida*, I, 129.

<sup>11</sup> Brevard, *History of Florida*, I, 132.



Even before St. Augustine asked for aid, Charleston was aroused by stories of massacres.<sup>12</sup> The first public meeting of the disturbed Charlestonians was convened on December 31, 1835, in compliance with the invitation of Edward North, Intendant.<sup>13</sup> General Hayne, who presided, made a "soul stirring" appeal, as did I. E. Holmes, J. L. Petigru, and Alfred Huger. On January 1, 1836, *The Courier* announced the proceedings of the meeting and gave the names of the committee that had been appointed to receive and forward volunteers to Florida. On the committee were I. E. Holmes, Alexander Mazyck, Alfred Huger, Samuel Patterson, Charles Edmondston, J. L. Petigru, and R. Y. Hayne. Because of communications from General Abraham Eustis, commanding officer at Charleston, this first meeting did not result in the immediate dispatching of volunteers. According to the newspapers of January 6, the committee was informed by General Eustis that the force in Florida under Generals Clinch and Call was fully adequate. General Eustis further said that requisite supplies were being shipped by the officers of the United States in Charleston and that there would be no occasion for the forwarding of volunteers, arms, or supplies by the citizens. It appears that the citizens, nevertheless, forwarded ammunition and five hundred stand of arms, and on January 8 opened subscription lists for money to furnish aid to refugees. Private donations of from fifty to two hundred dollars were received.

On January 12 receipt of news of a battle fought on the banks of the Amaxura (also called the Outhlacoochee or Whitlachouchee or Withlacoochee) River convinced the committee that it was time to act. The committee dispatched a messenger to General Eustis requesting that a company of regulars be sent to St. Augustine with requisite arms and ammunition. In prompt compliance with this request, General Eustis joined with the committee in charter-

<sup>12</sup> It is to be regretted that chronology prevents one from supposing that one of the tales circulated in Charleston was the account of the Dade massacre which the Indian called Alligator gave to Sprague. One part of Alligator's narrative is hard to surpass for vividness. Alligator declared: "So soon as all the soldiers were opposite, between us and the pond, perhaps twenty yards off, Jumper gave the whoop, Micanopy fired the first rifle, the signal agreed upon, when every Indian arose and fired, which laid upon the ground, dead, more than half the white men. The cannon was discharged several times, but the men who loaded it were shot down as soon as the smoke cleared away; the balls passed far over our heads. The soldiers shouted and whooped, and the officers shook their swords and swore. There was a little man, a great brave, who shook his sword at the soldiers and said, 'God-dam! no rifle-ball could hit him.' See Sprague, *Florida War*, p. 91. Roberts ("Dade Massacre," p. 132) tentatively identifies the little man whom no ball could hit as Captain George Washington Gardiner. An eyewitness account of the massacre (not Alligator's) is reproduced from *The Telegraph* (Darien, Ga.) in *The Courier* (Charleston) for March 11, 1836.

<sup>13</sup> See *The Courier*, Jan. 1, 1836. Facts concerning the meetings in Charleston, unless exact citations are given, may be found in Cohen, *Notices of Florida*, pp. 107 ff.



ing a steamboat, the *John Stoney*, and sent on board a company of artillery, Captain Porter in command, and a field piece. By this same steamer the citizens "placed at the disposal of the authorities at St. Augustine, the following articles of provisions, 1000 bushels of Corn, 87 whole and 26 half barrels of Flour, 10 tierces of Rice, 30 barrels of Beef, and 20 of Pork."<sup>14</sup>

Bad news continued to arrive from Florida, and on January 21 another public meeting was held. At this meeting, held at the City Hall, Judge Colcock presided and Richard Yeadon, Jr., editor of *The Courier*, acted as secretary. Isaac E. Holmes, chairman of the previously appointed committee of citizens, reported on the work done by the committee and on the situation in Florida. He commented also on the confusion prevalent in "the war and financial Departments of the Government at Washington."<sup>15</sup> General Hayne spoke, saying that four thousand dollars had already been expended by the committee of citizens. General Hayne was followed by General Hamilton, who said that the banks of Charleston had raised between twenty and thirty thousand dollars as a loan to the government for the succor of citizens of the Florida territory. General Hamilton likewise urged the propriety "on the part of both individuals and corporations of this city, in extending pecuniary aid to Florida, of looking for indemnification to the U. S. Government, now so delinquent in its duty towards that section of the country."<sup>16</sup>

Shortly after this meeting, the steamer which had taken troops to Florida returned, bringing with it a letter, dated January 20, from F. Weedon, mayor of St. Augustine, and Robinson and Gould, aldermen. After thanking the committee for liberality, the letter added a request: "If a body of volunteers can be sent us to relieve our old men and invalids from the arduous duty of guarding the city, they would be most gratefully received!"<sup>17</sup> The people of Jacksonville had already entreated aid, declaring that starvation or murder stared them in the face.

On January 24 there was a meeting in the evening of all who had volunteered or who were disposed to volunteer for the defense of St. Augustine. General Hayne was called

<sup>14</sup> *The Courier*, Jan. 22, 1836.

<sup>15</sup> *The Courier*, Jan. 22, 1836.

<sup>16</sup> *The Courier*, Jan. 22, 1836.

<sup>17</sup> Cohen, *Notices of Florida*, p. 110.



to the chair. While the meeting was in progress, in came

. . . a gallant corps from Hamburg, under the command of Capt. Cunningham. They marched into the room, conducted by our patriotic and warm-hearted fellow citizen, John L. Wilson, Esq., who, in an eloquent and animating address, announced them as Carolina volunteers, and tendered their services, which were accepted with joyous acclamations.<sup>18</sup>

A count of the volunteers already accepted then revealed that the number was sufficient and that others could not be received. The Sumter Guards, the Irish Volunteers, and a company from Charleston Neck under Captain R. K. Payne were rejected. The reporter who wrote the story of the meeting for *The Courier* (of January 25) remarked with some pride: "It is believed that 500 men could have been enrolled."

The committee accepted as volunteers the Washington Volunteers, under Captain J. E. B. Finley; the Washington Light Infantry, under Captain Ravenel; the German Fusiliers,<sup>19</sup> under Captain William Henry Timrod; and the Hamburg Volunteers, under Captain Cunningham.

The terms under which the men enrolled were as follows:

These volunteers offered to remain in St. Augustine for the term of one month, to defend the town; and they were not to go upon any expeditions into the interior against the Indians; as a regular campaign, which it was the part of the General Government to institute, would be necessary to ensure success, and this would shortly be prosecuted; an express from Washington having, the same day that the volunteers were accepted, left Charleston for head quarters with a requisition upon the Governor for a draft of 600 militia for three months service.<sup>20</sup>

On January 25 General Eustis issued an order requiring the volunteers to embark the following day on the steamboats *Dolphin* and *Santee*.<sup>21</sup> Stormy weather on the twenty-sixth prevented the troops from getting ammunition and supplies on board. As a consequence, the departure of the vessels was delayed until January 27 and January 28.

<sup>18</sup> Cohen, *Notices of Florida*, p. 112.

<sup>19</sup> The Fusiliers—like the Washington Light Infantry—was an old and honored company. The company was organized by German settlers in May, 1775, when news of the fighting at Lexington and Concord reached Charleston. First on the list of 137 names of original members stands the name of Henry Timrod, William Henry Timrod's father. See *The Timrod Memorial Association* (Charleston: Lucas & Richardson Co., 1901), p. 29.

<sup>20</sup> *Sketch of the Seminole War*, p. 61.

<sup>21</sup> *The Courier*, Jan. 25, 1836.



The scene of parting was apparently an affecting one for the more emotional of the volunteers and those they left behind. The Charleston poetess, Mary Elizabeth Lee, paid tribute to the soldiers in Mrs. Samuel Gilman's periodical, *The Southern Rose*. Her song of praise, entitled "The Brave Volunteers," began:

A voice from the South tells a sad mournful story,  
Of ruin and carnage, and war's dread alarms,  
And the Angel of Freedom moves by in her glory,  
And summons Columbia's proud patriots to arms!—  
Not in vain does she call, for the pure flame is gushing,  
Like the sun when it breaks through the morning's soft tears,  
And the light of true courage is joyously flushing  
The unclouded brows of the brave Volunteers.<sup>22</sup>

A young lieutenant of the volunteers, almost as touched as was Miss Lee, described the morning of the departure in phrases in which he strove for briskness and color:

. . . the busy hum of preparation—the inspection at the City Hall, where we were mustered into service—the march to the Citadel, whence the soldiers were supplied with arms—the valedictory nod of acquaintances—the hurried departure from friends—the fond farewell of relatives—the rapid tho' warm grasp of a brother's hand—the tender yet clasped embrace and sad kiss of a sister—the kiss, sweeter because stolen, from the coy maiden, who in soul half consents to all—but our departure, which, were she frank, she would confess, is the only act of ours that gives her pain.<sup>23</sup>

The lieutenant could, he wrote, never forget

. . . that parting hour, the sword girded, the musket shouldered, the knapsack slung—the march thro' the streets—the attendant crowd of anxious friends that pressed around—the hand waved from the thronged window, the hat touched from the filled piazza, and even the very judges of the land, the grave minister at the sacred altar of justice, wafting us an adieu with their white kerchiefs that they give out to the streaming air.<sup>24</sup>

The *Santee*, with the German Fusiliers and the Hamburg Volunteers on board, got under way on the twenty-seventh. The *Dolphin* sailed early on the morning of the twenty-eighth.

<sup>22</sup> Quoted from Cohen, *Notices of Florida*, p. 106. The poem also appears in *The Florida Herald* (St. Augustine), Feb. 6, 1836.

<sup>23</sup> Cohen, *Notices of Florida*, p. 114.

<sup>24</sup> Cohen, *Notices of Florida*, p. 115.

Both of the ships probably bore a heterogeneous lot of amateur soldiers. The troops on the *Dolphin* were described as being, in part,

. . . a set of genteel young fellows about the town, who had been *raised* (as they say of horses in some States, and of men in others) most daintily by our dear mamas—Pelhams who had wielded nothing heavier than a cane or a cologne bottle, a riding whip or a curling iron—Bloods, who bought linen cambric handkerchiefs and ribbed silk socks . . .<sup>25</sup>

Doubtless the men were also in part like the unfortunate countryman in the militia company which went to Florida a month later:

. . . with smooth, turgid, yellow cheeks; a quiet, dumpy nose; thick lips, reaching almost to his ears, which gaped always with a vacant but placid and good humored smile, and displayed a set of large projecting teeth; coarse black hair, like an Indian's, which fell smoothly over his forehead, and half hid his clear, simple, hazle [*sic*] eyes; he was of middle height, and his stomach swelled out like a genuine clay eater's; to his uncouth figure he added a pair of knocked knees and huge splay-feet.<sup>26</sup>

One may suppose that there was considerable horseplay on board the *Santee* as there was later on board the schooner which bore to Florida a company made up of a draft from the sixteenth, eighteenth, and nineteenth regiments. A soldier from the back country used the exaggerated phrases of the frontier in replying to those who teased him and asked where he came from:

"Why," answered the swamp sucker, with dry composure, "I was raised just at the head of *nowhere*—where rivers freeze, snakes never die, and turkies gobble—just above where Homminy Swamp runs into Mushley river—in the middle, there's a big pond and the scum grows so thick upon it that you can drive a team over it."<sup>27</sup>

Timrod wrote that the citizens of St. Augustine were overjoyed at the arrival of the *Santee*. The Fusiliers were probably greeted with an even more tumultuous welcome than that which was given the men on the *Dolphin* on the following day:

<sup>25</sup> Cohen, *Notices of Florida*, p. 116.

<sup>26</sup> *Sketch of the Seminole War*, p. 128.

<sup>27</sup> *Sketch of the Seminole War*, p. 127.



. . . men, women and children, all crowd to see us; doors are thrown open, and sashes up. We read our welcome "in a people's eyes;" . . . Our arrival creates a sense of security in the minds of the inhabitants, to which they had long been strangers . . .<sup>28</sup>

Timrod's Fusiliers and Cunningham's Hamburg Volunteers were comfortably stationed at the Government House, where they spent the first night hoping for an attack. They rather regretted the arrival of the *Dolphin* with reinforcements.

The Washington Light Infantry and the Washington Volunteers were not so fortunate as were the Fusiliers. Some of the glamour of the expedition departed when they found themselves in poor quarters, on bad rations, and subjected to an exacting routine. One of the volunteers wrote:

Constant and severe are our duties, and none are allowed to leave the barracks without permission from the officer of the day; and then our routine is such, that absences are necessarily very brief. For instance, reveillé is sounded at day dawn, when every soldier is obliged to turn out and answer to roll call. He is then dismissed for a half hour, at the expiration of which, the sheep skin calls to drill—that occupies till near breakfast, for which the drum is beat between 8 and 9. At 11, drill again for an hour or more. At 2, peas upon a trencher being played, hey, for dinner: at 4, drill encore: at 5, dress parade. At half-past 8, the retreat is struck up for supper, extinguishing lights, silence, and sleep—when they eat nothing, have no candles to put out, and make a prodigious racket, never closing mouth or eyes. Going to bed, with them only means tumbling on the floor, and wrapping themselves up in reflection and a blanket.

The guard duty is exceedingly irksome and perilous: each vounteer is detailed every alternate night, and during the evening, when not on duty, it oft occurs that the alarm is given, and he has to relinquish the bed I've just described, repair to his post, and remain under arms in momentary expectation of the foe, for hours, and oft till reveillé.<sup>29</sup>

The plight of these two companies was not altered for the better until several nights had passed and the women of St. Augustine made up mattresses for them. Even then some of the volunteers found it advantageous to board and rent rooms in town.

But the *convenances* were not forgotten by the citizens or by the volunteers. The editor of St. Augustine's weekly newspaper expressed with considerable fervor the appreciation of the community:

<sup>28</sup> Cohen, *Notices of Florida*, pp. 122-123.

<sup>29</sup> Cohen, *Notices of Florida*, p. 126.



The citizens of Charleston, Savannah, and other places have come forward and evinced a spirit of magnanimity and patriotism seldom witnessed and never ever exceeded by any community of persons. A debt of gratitude is thus heaped upon the people of Florida that can never be repaid. . . . Men, arms and provisions are continually arriving, and we have some hope that before another month rolls around some decisive blow will be struck.<sup>30</sup>

The Hamburg Volunteers, who by this time were called the "Hamburg Riflemen," paid their compliments to the women of the city:

At a meeting of the *Hamburg Riflemen*, held at Quarters on the 30th January 1836, Dr. C. C. Spann was called to the chair and Sergeant J. R. Frazer appointed Secretary. The object of the meeting being explained by the chair, the following gentlemen—Sergeant Man, Corporal Rice, and Col. Walker were nominated a committee to draft a resolution expressive of their thanks to the ladies of St. Augustine for kindness offered through a committee of Gentlemen on the 29th inst.

The following resolution was offered and unanimously adopted.

*Resolved.* That we the *Hamburg Riflemen* tender to the ladies of St. Augustine our thanks for their offered kindnesses, but are happy to respond that through the hospitality of the gentlemen of the town, we have been amply supplied with every necessary comfort, since our arrival.

*Resolved.* That the above be published and a copy transmitted to the ladies of the town.

CHARLES C. SPANN, M. D.  
Chairman

GEO. R. FRAZER,  
Secretary.<sup>31</sup>

Another testimonial of the same sort was tendered Captain King, of the *Dolphin*, by the "Officers and Privates of the Detachment of Volunteers, from Charleston" who wished to bear testimony to the seamanlike qualities of the captain and to thank him for his "kind and gentlemanly attention to their convenience and comfort during their transportation on board his boat. . . ." The testimonial was signed by Henry Ravenel, Captain; B. M. Lee, First Lieutenant; W. M. Jervey, Second Lieutenant; William D. Porter,<sup>32</sup>

<sup>30</sup> *The Florida Herald*, Feb. 6, 1836. I have not thought it necessary to reproduce typographical errors in quotations from this newspaper. In the issue for January 6, 1836, the editor apologizes for the "derangement" in the publication, explaining that he has been on duty in the public service and that the paper has been "committed to the care of boys the eldest of which is not over twelve years."

<sup>31</sup> *The Florida Herald*, Feb. 6, 1836.

<sup>32</sup> It is pleasant to note that Porter lived to become captain of the company and later to deliver the oration on the occasion of the revival of the organization in 1873. It is also pleasant to note that he closed his oration by quoting the last five stanzas of Henry Timrod's poem "Christmas." See *The Washington Light Infantry of Charleston, S. C.: An Account of the Revival of the Company . . .* (Charleston: Walker, Evans & Cogswell, 1873).



Ensign; J. E. B. Finley, Captain; C. B. Northrop, First Lieutenant; W. E. Zealy, Second Lieutenant; A. G. Magrath, Ensign; J. A. Ashby, Quarter Master; John A. Mitchell, Chaplain; George Turner, Surgeon; and M. C. King, Assistant Surgeon.

Turning now to Timrod's memorandum covering the period of the voyage to Florida and back to South Carolina, one finds that his narrative adds to what could be known from other sources. Timrod related his experiences in a concise, orderly fashion; and he made a charge found nowhere else: that the prominent and patriotic committee of citizens which supervised the dispatching of men and supplies to Florida made unfulfilled promises to the volunteers.<sup>33</sup> Timrod's narrative incidentally corrects false impressions left by some of Cohen's exaggerated statements. Timrod wrote:

On the 26th [day of] this year I embarked with a detachment of my company on board of the Steamer Santee, at 9 o'clock am—Our destination was St. Augustine, for the defence of which place against the Seminole Indians, we had volunteered—until the regular levies should be organized. The force under my command consisted of Fifty one Officers and men—In the same vessel embarked the Hamburg volunteers Capt. Cunningham consisting [?] of about thirty men. Being oldest in commission, I assumed the command of the whole detachment.

When we sailed the weather was calm and delightful, but the wind gradua[lly] freshened, until at night it blew almost a gale, by which we came very near losing the starboard wheel [house.] We made St Augustine light on the evening of the 27th and came to anchor outside the bar. On [the] morning of the 28th, attemptin[g] [to] cross the bar, we struck [and were?] pumping for nearly three hours, in some little peril,—we at length, however got off and proceeded up to the town where we landed about 11 o'clock A M—

The Citizens were overjoyed at our arrival, in proportion to the extreme state of terror from which we relieved them—They all expressed it as their firm conviction that had we not made our appearance that day, the town would have been attacked in the night—The only troops that occupied the garrison for a week before our arrival consisted of a company of Regulars under Capt Porter and they by constant service every night at the outposts were completely exhausted—After taking possession of our quarters, two very comfortable apartments in the Court House, guards were immediately detailed for the outposts—The night was extremely cold, and the men at the pick[et]

<sup>33</sup> Perhaps Timrod meant that the transportation and subsistence of the volunteers were not paid for. *The Courier* for January 1, 1836, reported as one of the resolutions adopted at the meeting held the day before that the City Council would be requested to make an appropriation to provide the necessary means for transportation and subsistence.



had no protection from the weather yet they performed their duty with the utmost cheerfulness—[On] the [day] succeeding our landing the [rest of?] the detachment for the [defense of?] Augustine arrived consisting of 2 Companies commanded by Captains Ravenel and Finley The commissions of Captain Ravenel and myself bore the same date, but His company being attached to the 16th[?] regiment & mine to the 17th, I yielded to the numerical precedence, and allowed Capt Ravenel to take command of the whole Detachment—Capt—Porter of the U. S. Army was commander of the Garrison—Occupied in the usual details of garrison duty we spent a very pleasant time, until relieved by the regular levies on whose arrival, my company & the Hamburgh volunteers embarked for home in the Steamer James Boatwright—Capt Chase. We left Augustine on the morning of the 21st February, and on the 23rd after having the previous day spent about 5 hours in Savannah arrived safe in Charleston—I shall close this Memorand[um] with the remark that [one or more lines have been cut from the page] of the citizens,—not one was fulfilled—nor did that Committee think proper to assign any reason, or make any apology for the shameless breach of faith—One thing is certain, the object, to effect which we had left our homes & families was completely answered—Our arrival in Augustine saved that city, which otherwise would have afforded an easy prey to the savage foe. This was all I had in view and having effected it, I am more [than] satisfied. W. H. T.<sup>34</sup>

Notations in Timrod's daybook for 1836,<sup>35</sup> a volume made from *Miller's Planters & Merchant's Almanac* for the year, serve to carry forward Timrod's personal history. Various entries show that he was unwell for some time. On September 7 he wrote in the daybook, "Resigned Commission." Whether Timrod's illness (perhaps tuberculosis) was brought on or aggravated by the rigors of the campaign—rigors which he did not mention in his memorandum—one cannot tell. Certainly Katie Timrod, the widow of William Henry Timrod's poet son, was not entirely accurate when she wrote that her father-in-law contracted a disease at St. Augustine and died of it a year later in Charleston.<sup>36</sup> According to the archives of the Health Office in Charleston, Timrod died "of debility" on July 28, 1838, and was buried in the "Germ. Luth. B. G." He died two years and five months after returning home from St. Augustine.

<sup>34</sup> From the volume In Memoriam Capt. W. H. Timrod, Courtenay Collection, Charleston Library Society archives.

<sup>35</sup> From the volume In Memoriam Capt. W. H. Timrod, Courtenay Collection, Charleston Library Society archives.

<sup>36</sup> Letter to Paul Hamilton Hayne, June 5, 1872, Hayne Collection, Duke University Library.



## A SOUTHERN ADVOCATE OF METHODIST UNIFICATION IN 1865

By NORA C. CHAFFIN

The usual discussion of the mental attitude of the South in 1865 reveals a state of mind of a people defeated externally and materially but essentially unchanged from the historical concepts and ideologies of the Old South. Such a state of mind was probably prevalent at the close of the Civil War; but now and then one can find an articulate leader of a minority that had experienced a mental revolution during the crushing years since 1860. There were Southern people who wanted to see the militant sectionalism of the Old South replaced by a sincere national loyalty. In 1865 an occasional influential leader was unafraid to voice these views as he boldly advocated some act that would reunite separate groups of similar organizations in the North and in the South. Such a man was Braxton Craven, educator, author, minister, and former slaveholder and supporter of secession in North Carolina. In a letter (printed in full below) to Bishop Edward Raymond Ames of the Methodist Episcopal Church on July 24, 1865, he proposed the reunion of the Methodist Episcopal Church, South, with the Methodist Episcopal Church. At this time Craven was an active and widely known minister in the Southern church, while Ames was one of the most influential bishops of the Northern branch.

The seriousness with which some national leaders viewed sectional divisions within ecclesiastical bodies in the United States was revealed in the debate in Congress over the Compromise of 1850. During those exciting days, John C. Calhoun spoke with uneasiness about the growing differences among religious denominations.<sup>1</sup> He and Daniel Webster both referred specifically to the division within the Methodist Church. In his famous speech of March 7, 1850, Webster, in commenting upon the remarks of Calhoun, spoke in these words:

The honorable senator from South Carolina the other day alluded to the separation of that great religious community, the Methodist Episcopal Church. . . . I was in hopes that the differences of opinion

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<sup>1</sup> W. W. Sweet, *Methodism in American History* (New York, 1933), pp. 276-277.



might be adjusted, because I look on that religious denomination as one of the great props of religion and morals throughout the whole country, from Maine to Georgia, and westward to our utmost western boundary.<sup>2</sup>

When ecclesiastical differences became sectional in nature, they contributed their share toward sectional rather than national loyalty. A mutually voluntary effort toward reunion of the two branches of Methodism in 1865 would have constituted at least a gesture toward national solidarity. At the close of the war, Braxton Craven held an opinion of this kind; moreover, as his letter reveals, he thought that if such a union could not be agreed upon immediately, it would be many years before effective action could be taken.

The Methodist Episcopal Church, South, had suffered severely from the effects of the war. By 1865 it had lost a third of its membership; and its schools, publications, missions, and machinery of organization and operation had either collapsed or were in a thoroughly demoralized condition.<sup>3</sup> In the confused state of the church, its chances of survival as a separate organization appeared doubtful.<sup>4</sup>

At the close of the war, the Northern branch had suffered some diminution in membership, but it had increased in power and prestige in the United States.<sup>5</sup> The loyalist activities of its members and officials, under governmental sanction, were acknowledged as a moral and practical support to the Union.<sup>6</sup> In 1864 the General Conference sent a delegation of distinguished churchmen to President Lincoln to express the loyalty of the church to the government.<sup>7</sup> In his reply to this delegation, Lincoln gave official recognition to the important work of the church during the war:

Nobly sustained as the government has been by all the churches, I would utter nothing which might in the least appear invidious against

<sup>2</sup> *The Works of Daniel Webster* (Boston, 1853), V, 331.

<sup>3</sup> Sweet, *Methodism in American History*, p. 289; Homer Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period* (unpublished thesis in the Duke University Library, 1933), p. 137.

<sup>4</sup> Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, p. 26; *The American Annual Cyclopaedia and Register of Important Events of the Year, 1865*, V, 552.

<sup>5</sup> W. W. Sweet, *The Methodist Episcopal Church and The Civil War*, p. 46, and also Chapters II, III, IV, V; *Appleton's Annual Cyclopaedia, 1865*, V, 554.

<sup>6</sup> Sweet, *The Methodist Episcopal Church and The Civil War* (Cincinnati, 1912), Chapter V; H. M. Johnson, *The Activities of The Methodist Episcopal Church in the South during the Reconstruction Period* (unpublished thesis in the Duke University Library, 1933), Chapter I; Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, Chapter VI; Paul H. Buck, *The Road to Reunion 1865-1900* (Boston, 1937), pp. 61-67; W. L. Harris, ed., *Journal of the General Conference of the Methodist Episcopal Church, 1865*, (New York, 1864); *Appleton's Annual Cyclopaedia, 1865*, V, 551-552; *Christian Advocate and Journal* (New York, June 1, 1865), Vol. XL, No. 22, p. 172.

<sup>7</sup> Harris, *Journal of the General Conference, 1864*, pp. 155-156.



any. Yet without this it may fairly be said that the Methodist Episcopal Church, not less devoted than the best, is, by its greatest numbers, the most important of all. It is no fault of others that the Methodist Church sends more soldiers to the field, more nurses to the hospitals, and more prayers to heaven than any.<sup>8</sup>

It was with this aggressive, nationalistic Methodism that Braxton Craven proposed Southern reunion in 1865. From a somewhat casual study of his life up to this time, there is little to indicate the mental routes that led him to his proposal.

Craven was born of humble parentage and was reared as an orphan in the home of a small farmer in Randolph County—a part of North Carolina populated by small farmers and an occasional large slaveholder.<sup>9</sup> He attended a few sessions of neighborhood schools, and for a short time studied at New Garden School (now Guilford College, North Carolina). This ended his formal education. At his request, he was permitted to take the required examinations for the degree of Bachelor of Arts from Randolph Macon College, and in 1851 that degree was conferred upon him.

In 1842, at the age of twenty years, Craven became principal of an academy, Union Institute, in Randolph County. Under his direction this school grew into Normal College (1851), a state-chartered institution empowered to issue certificates to teachers in the common schools of North Carolina. By 1859 he had seen Normal College in turn develop into Trinity College (now Duke University), affiliated with the North Carolina Conference of the Methodist Episcopal Church, South. Craven was licensed to preach in 1840 and joined the North Carolina Conference in 1857. Because of his numerous professional and literary activities, he was recognized by 1860 as an author, educator, and minister of growing power and influence in his State.

When the Civil War came, Craven was appointed captain; and from December, 1861, until January, 1862, he was in charge of the Confederate Prison at Salisbury. From that time until 1863 he gave his full time to his position as president of Trinity College.

As the war continued, the college steadily declined in patronage and financial support; and in 1863 Craven re-

<sup>8</sup> Harris, *Journal of the General Conference, 1864*, p. 380.

<sup>9</sup> Unpublished Census Reports of the United States for 1850, MS. Records in the North Carolina Historical Commission archives, Raleigh.



signed his position to accept appointment as pastor of the Edenton Street Methodist Episcopal Church, South, in Raleigh. He remained there until a few months after the close of the war when he returned to his former position as president of Trinity College. It was during his last months as pastor<sup>10</sup> in Raleigh that he wrote to Bishop Edward R. Ames advocating the union of the two branches of Methodism as is shown by the letter reproduced below.

Ames was widely known in the United States in 1865. He was the son of a New Englander who had moved to Ohio and had become a political leader in his adopted state. As a youth in his home, Bishop Ames met many men in public life. His formal education was limited, but he did spend two or three years studying at Ohio University. After teaching for a time in a seminary, in 1830 he joined the Illinois Methodist Conference. A decade later the General Conference elected him secretary of the Missionary Society for the South and West. His duties in this connection carried him into many sections of the North, South, and West. When he was elected bishop in 1852, he traveled even more widely throughout the United States.

During the Civil War Ames was very active in behalf of the Union. He was appointed chaplain in the army and did effective work among the soldiers. In 1862, with Hamilton Fish, he was appointed by the War Department on a commission to visit the Union prisoners at Richmond and to provide for their comfort at the expense of the United States. The appointment of this commission aroused the indignation of the South, and the fact that Bishop Ames was one of its members appeared to be especially distasteful to some Southerners. A Confederate officer, a former Methodist minister, wrote a letter to Jefferson Davis warning him against Ames, whom he characterized as an "astute politician . . . in the garb of a Christian minister." The commission was refused entrance to Richmond; the reason seems somewhat nebulous.

In 1864 Ames was one of the committee appointed by the General Conference to "wait on the President and convey the loyal sentiments of the Conference." It was to this

<sup>10</sup> This sketch is based on the following references: Thomas N. Ivey, "Braxton Craven" in S. A. Ashe, ed.-in-chief, *Biographical History of North Carolina*, IV, 102-112; *The National Cyclopaedia of American Biography*, III, 445-446; J. Dowd, *Life of Braxton Craven* (Raleigh, 1896); W. K. Boyd, "Braxton Craven" in A. Johnson and D. Malone, eds., *Dictionary of American Biography*, IV, 516-517; Correspondence of Braxton, 1850-1882, Manuscript Division, Duke University Library; Executive Papers: Clark, MSS., in the North Carolina Historical Commission archives, Raleigh.



group that Lincoln made his reply praising the work and loyalty of the Methodist Church. Both during and after the war, Ames was energetic in extending the activities of the Methodist Church throughout the South. On different occasions he was offered important positions by the government of the United States but declined because of his ecclesiastical duties.<sup>11</sup>

It was to this energetic churchman and staunch worker for the Union that Braxton Craven addressed his letter on July 24, 1865.<sup>12</sup>

### BRAXTON CRAVEN TO EDWARD R. AMES

Raleigh N. C.

July 24, 1865

Rev. Bishop Ames.

Our relations to each other will, I hope, excuse me for saying, that I regret the action of the Bishops of the Methodist Episcopal Church, at their late meeting, in reference to Methodism in the Southern States.<sup>13</sup> I humbly think, they did too much, or not enough. If neither reconstruction nor reoccupation is to be attempted in a regular well defined mode, then all reference to the subject, either officially or by correspondents in the principal papers, will be productive of irritation, estrangement and permanent evil. If, however, either of the above is to be tried, then all indefiteness [*sic*] as to mode, time and agencies, will only increase the obstacles to be encountered, and perplex those who wish to act right personally, and do the best things for the good of the church and the glory of God. If, under the instructions of the General Conference of 1864,<sup>14</sup> the Bishops can take no steps toward reconstruction, and yet are under obligation to occupy any portion of the so-called Confederate States, either by receiving conferences in whole or in part, or by receiving individuals whether ministers or laymen, or by organizing mission conferences, or by sending single missionaries to apparently unoccupied fields, then, in my opinion, they are constrained by the highest authority in the church,

<sup>11</sup> This sketch is based on the following authorities: J. Wesley Johnston, "Edward Raymond Ames," *Dictionary of American Biography*, I, 242-243; Matthew Simpson, ed., *Cyclopaedia of Methodism* (Philadelphia, 1878), p. 34; Sweet, *The Methodist Episcopal Church and The Civil War*, pp. 88-102, 142-143, 151-154, 208-210; Sweet, *Methodism in American History*, pp. 219, 267, 294-295; *Appleton's Annual Cyclopaedia*, 1864, p. 514; Harris, *Journal of the General Conference*, 1864, pp. 177.

<sup>12</sup> Correspondence of Braxton Craven, 1850-1865, Manuscript Division, Duke University Library.

<sup>13</sup> This reference is probably to a meeting of the bishops of the Methodist Episcopal Church on June 15, 1865. At this meeting it was "resolved to occupy, as far as practicable, those fields in the Southern states which may be opened and which give promise of success. The Bishops declared themselves, however, to have no authority to originate any plans of union, and to be bound to adhere strictly to the provisions of the discipline and the directions of the General Conference." *Appleton's Annual Cyclopaedia*, 1865, V, 552.

<sup>14</sup> As a part of "Report No. V of The Committee on Missions," the General Conference of 1864 passed the following resolution:

"Resolved, that the bishops be and they are hereby authorized, when in their judgment the interests of the work require it, to organize Annual Conferences in the states and territories not embraced at the close of this General Conference in any of the Annual Conferences. . . ." Harris, *Journal of The General Conference*, 1864, pp. 387-388.



to inflict great mischief upon the cause of God in these states. The last General Conference apparently did not look beyond things as they then were, but surely if those men of God were now in Conference assembled, they would adopt some more eligible plan by which the great breach in Methodism might be obliterated, and the church in unity of power might move on successfully to the accomplishment of her part in evangelising the world. And certainly the Board of Bishops with their wisdom in council, and their fervent piety toward God, can and will find some less objectionable plan for executing the will of the General Conference, or devise some method by which original action in this matter can be had at an early day.

Immediate regular official action is the more important, because time will inevitably increase the difficulties in the way of successful operation or adjustment. Already not a few very harsh and very unnecessary things have been published in the papers. Some writers are discussing subjects whereof it is certain they either understand nothing, or (which we do not wish to believe) they are purposely using misrepresentation, unChristian passions and inflammatory language, to array parties, fortify prejudice and perpetuate the discord that has been so ruinous to church and state. Other parties, apart from the wrong writing they may do without provocation, will naturally and far too promptly, retaliate, and thus, the two sections will assume hostile attitudes and revive, if not create, a vindictive sectionalism, greatly to be deplored by all who love the Lord Jesus Christ. And in all such times and occasions, there are ambitious designing men, prompt to speak, full of advice, apt in leading the multitude, who purposely raise a storm, that they may be masters of its fury, and reap fame from its destructive power. The difficulties between the Church North and South, could now be easily adjusted; but if passion, prejudice, ambition and intemperate zeal shall belabor the question till 1868, I fear "it will be past mending." The action of the Holston Conference, St. Louis, and some other localities,<sup>15</sup> may seem like the dawn of a glorious day to the M. E. Church, and to the unobservant may promise easy and rapid success, but clouds, darkness and storm will usher in and continue with a day commenced on that plan. The great Methodist heart in the South beats with warm, true life; it is neither dead in sin, nor corrupt in the practices of the traitor; it will either move on to great and lasting good within its own regular organization, or go back in a body to its former position, or, if broken to fragments by the overwhelming uncompromising power of the old family household, find a home in other churches, stand firm in isolated congregations, or wander away homeless and ruined. Regular, immediate systematic action on both sides is the imperative demand.

<sup>15</sup> "Early in 1865 the bishops received information that a number of ministers and members of the Methodist Episcopal Church in east Tennessee, desired to attach themselves to the Methodist Episcopal Church. Bishop Clark went to Athens, Tennessee, on June 1, 1865, and organized the Holston Conference of the Methodist Episcopal Church." *Appleton's Annual Cyclopaedia, 1865*, V, 551.

Under authority given them by the War Department of the United States, representatives of the Methodist Episcopal Church followed the federal armies into the seceded states and were empowered to take over "all houses of worship belonging to the Methodist Episcopal Church, South, in which a loyal minister, who has been appointed by a loyal Bishop of said Church does not officiate." Sweet, *The Methodist Church and The Civil War*, p. 98. See also Sweet, *Methodism in American History*, Chapter XIV; Buck, *The Road to Reunion*, pp. 61-67; Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, Chapter I; Johnson, *The Activities of the Methodist Episcopal Church in the South during the Reconstruction Period*, Chapter I.



I am very frank to say that I do zealously favor *reconstruction*, and I believe that is the sentiment of the vast majority of the church. Not that I believe the M. E. Church, South, is corrupt, as some writers with fustian [*sic*] Rhetoric and inconclusive Logic, attempt to show; nor do I think it would fail to sustain itself within these lands, or that the M. E. Church would easily and speedily occupy the whole country. Such considerations neither affect my preferences, nor my conclusions. The mission of the church is by Divine assistance to spread scriptural holiness over the earth. Whatever retards this, is to be avoided. The multiplication of sects, ecclesiastical divisions, and denominational controversies manifestly impede the work of God; and those, who promote them for unnecessary causes, are wrong. There is no necessity for the two organizations of the Methodist Church in the United States; they cannot exist with their organic aggressive policy without friction, strife, and denominational war. The separation *ought not* to continue. The two should be one. Every reason for continuing the separation is a reason fraught with mischief to the Union, enervation to the Church on both sides, and infinite harm to the souls of the people. Every reason for reconstruction, is one of enlarged piety, efficiency to the Church, safety to the nation, and universal good will to man. As to conditions of reconstruction, most that have been proposed are neither Methodistic nor desirable.<sup>16</sup> Such accusations and tests as many have proposed are unknown to Church History. No church, hitherto, has made political questions, articles of faith or tests of membership and the general doctrine of the Protestant world is, or at least has been, that no ecclesiastical body has the right to consider political questions, or make inquisition of their members in regard to them. If the Church commences this course on unionism or slavery, she may probably will find it equally necessary to gravely consider and decide all political platforms in the future. Over much zeal hath surely carried most of the American churches away from their own conservative, anti-political constitutions. Now that the *great evil* is irrevocably dead, they will sooner or later recede from their war measures, and return to their primitive apostolic non-intervention. Common sense, it seems to me, points out the necessary and only basis of pacification, effective operation and reconstruction.

1. Remove the line and act of separation, all coming under the control of the General Conference of the M. E. Church, and all property belonging to that Church as prior to 1844.

<sup>16</sup> The following selections from an editorial entitled "How Shall We Go South?" claim to state the position of the Methodist Episcopal Church in June, 1865: "A glance at facts as they exist will show successive [steps] in a process provided for, which, it is believed, will reconstruct our church at the South so that it shall be composed there of those who, without respect to color, are true to the government and in sympathy with us in regard to the question of slavery. . . . (1) Missions [may be established] in the United States and Territories not included in any of the Annual Conferences (*Journal General Conference*, 1864, pp. 197-198.)

"2. Members in good standing in any evangelical church in the South or elsewhere 'may be received at once into full fellowship with us by giving satisfactory answers to the usual inquiries.'

"3. Ministers from the Methodist Episcopal Church, South, may be received into our church as others of Methodist faith provided they give satisfactory assurance to an annual or quarterly Conference of their loyalty to the National government and hearty approval of the anti-slavery doctrine of our church (*Journal General Conference*, 1854, p. 240).

"4. The Bishops are authorized to organize annual conferences in the states and territories not embraced in any of the annual conferences when in their judgment the interests of the work require it. (*Journal General Conference*, 1864, pp. 387-388.)" *Christian Advocate and Journal* (New York, June 1, 1865), Vol. XL, No. 22, p. 172.



2. We thereby take, subscribe, adhere to, and obey the discipline of the M. E. Church, as it now is, conscientiously and in good faith.

3. We thereby go into that church as we now are, including conferences, Bishops, appointments, and all other things, except Book Agents and similar Gen. Conference appointees, whose offices would of necessity expire by reconstruction.

It may be agreed that every man who thus returns in the church as an organic body, shall be loyal, and the test of loyalty be, that he has taken the oath, or oaths required by the civil authority. I have no objection to this, though utterly unnecessary, because I do not believe that any man ought to belong to any church, if he will not yield obedience to the lawful government over him. As to subscribing "anti-slavery doctrines," that can mean nothing more than subscribing to the Discipline, for no one ever heard of such a thing as subscribing the records or minutes of an ecclesiastical body as a condition of union; and it is not even to be supposed that any member of the Northern conferences would have been expelled, if he had spoken and voted against any motion or resolution ever introduced in any of them. Hence there can be no real objection to the *terms* of reception, adopted by the General Conference of 1864. I feel confident that the great body of the Church, South, would accept them without difficulty or hesitation, provided all could go together in a regular, systematic way, without disorganisation, disparagement, or confusion. Then, the disintegrating and absorbing process is ruinous in a financial sense. All our church property is held directly, or in trust for the uses and purposes of the M. E. Church, South; now if that church should cease to exist without any organic action or legal change, the whole of this property would escheat to the several states, and much of it be lost to the Church. Certainly no sane man or men would, for a mere abstraction, a defunct error given up and renounced, or for any common or personal considerations, advocate and attempt to execute a policy, whose success, without any thing gained to doctrine or discipline, would at one blow corrupt the whole church south of the Potomac. Reconstruction is practicable, easy, and Christian; it is every way desirable, and I believe, very generally desired, if it can be accomplished in the mode and spirit above indicated. The policy adopted by the Gen. Conference may have been very wise during the war, but it would be difficult to conceive a more objectionable scheme for the country as it now is; and if that is the only action had, and shall be the course pursued, till 1868, it will effectually prevent reconstruction, and will inaugurate an evil that will last for many generations.

Many of our people think, and not without some grounds for so doing, that the church North does not desire reconstruction on any basis whatever. I cannot believe this is true. I will not suppose that Northern Methodists are so self-righteous, so self-confident, or so intolerant as to reject fellowship with a people whom they have striven so hard to retain in the Union. Admit that slavery is wrong; if we damn all who have held the contrary opinion, we shall send to perdition very many of our English and American ancestors. We of the South have erred, we have been punished, and I trust we have repented; and it must not be presumed that men of God wish to follow the fire



and sword, devastation and pecuniary ruin of the army, with an ecclesiastical guillotine that will stain the temples of God with the blood of souls.

But it is said "The South is corrupt, bigoted and *tainted* with treason." Those who say this, form their opinion without information, or they falsify purposely, or they unwisely believe all the Southern correspondents of Northern papers. Some of this correspondence is for unholy political purposes, some is purely malevolent, and some is the general conclusion from partial and insufficient data. The South is in no sense what it was five years ago. Religiously it never has been *corrupt*, we have multitudes of people who daily enjoy communion with God. As to bigotry, church exclusiveness is said to be both its evidence and its chief support. The civil authorities must settle the question of *treason*; whatever wrong the great body of the people committed in this respect, was an error of judgment, and a present willingness to believe and be governed by contrary opinions, ought to be sufficient. But again it is said "The South is proud, defiant, rebellious and unsubdued." The South has manliness, self-respect, and a certain mental elevation, that neither armies, nor Logic can overthrow. They have not associated very freely with Federal Soldiers, nor have they very generally received them into their families. In all business intercourse I presume our people have been courteous, and sufficiently submissive; but socially, we must know something of a man, before we receive him on terms of intimacy. Mere uniform is no sufficient guarantee of moral and social respectability. Let any man of known good character, North or South, vouch for any officer or private, and he will have no just cause to complain of deficiency in respectful attention. The South is neither hostile to the Government nor to Northern states; the Union feeling has not been as strong in twenty years as it now is. The great heart of the people was never in the war at all; they neither murmur, repine nor fret at the issue. They give up slavery willingly and many of them gladly. They have no grudge nor ill feeling toward their former servants, but are strongly attached to many of them, and are disposed to treat them kindly; and where the contrary does exist, it arises from improper conduct of the freedman, originating frequently from the foolish or wicked advice of some impudent soldier. No power could induce the South to vote the continuance of slavery. The people have accepted the pacification in good faith, willingly loyal, hopefully cheerful, and generally contented. The state of society is not what the North thinks it is; it was not during the war what it was supposed to be. There is nothing in the South to hinder good, honest, hearty fellowship with North, East, and West, legally upon the Constitution, socially upon good morals and manners, and ecclesiastically upon fervent piety toward God and universal good will to man.

Then why should not Methodism be reconstructed on fair Christian terms? Why should not sectionalism be buried in the grave of the great rebellion? Why should not the divided heart of this great and holy church, be one again in love, power and usefulness? Doubtless not a few North and South will strive to prevent the union. Some have taken ultra positions from which they will be unwilling to recede;

some have become famous by leading this ultraism either way; some in each have become odious to the other section; and some will conscientiously adhere to present arrangements. But these and such as these should not hinder the good work. All personal consideration must give way before any plan, that will righteously bring great masses of men together to work for the good of souls. May wise councils prevail, and may the work of God prosper in our hands.

I remain respectfully your brother in Christ



# HERMON HUSBAND'S CONTINUATION OF THE IMPARTIAL RELATION

Edited by ARCHIBALD HENDERSON

## Introduction

The popular uprising in North Carolina, covering the years 1765-1771 and having many later repercussions, has been the subject of articles, essays, and books almost innumerable. Until the appearance of Bassett's careful and objective study in 1894,<sup>1</sup> almost everything published on the subject was vitiated by obvious bias, whether prejudice or prepossession depending upon the particular *parti pris*. There was no halfway ground; it was violently pro or con, Regulator *versus* Royalist, common people *contra* corrupt officialdom. It was all or nothing: wholly black or wholly white. The partisanship of the champions of the Regulators' cause finally reduced itself to absurdity in the baseless claim that the skirmish at Alamance was the first battle of the American Revolution.

When Wheeler's *Historical Sketches of North Carolina* appeared in 1851, there was first made available to the general public Hermon Husband's remarkable pamphlet, known as the *Impartial Relation*.<sup>2</sup> This authentic specimen of sensational eighteenth-century journalism, by the man who was indubitably the leading champion of the Regulators, is the primary single source for a knowledge of the Regulator's side in the complicated issues at stake.

The second Regulator pamphlet, *A Fan for Fanning*, is often ascribed to Husband but, from internal evidence, was undeniably written by another hand. It ranks considerably below the *Impartial Relation* as source material, since it almost slavishly follows Husband's pamphlet. Nevertheless, certain additional data and pertinent comments by the anonymous author give it rank as an independent source,

<sup>1</sup> John Spencer Bassett, "The Regulators of North Carolina," *Annual Report*, American Historical Association, 1894, pp. 142-212.

<sup>2</sup> Hermon Husband, *An Impartial Relation of the First Rise and Cause of the Recent Differences in Public Affairs in the Province of North Carolina*, printed for the Compiler (1770, p. 104). With the omission of the observations on the Granville District and Husband's adaptation of two of the Rev. James Murray's *Sermons for Asses* (London, 1768; Philadelphia, 1769, 1770), Husband's pamphlet is printed in John H. Wheeler's *Historical Sketches of North Carolina*, two volumes in one (Philadelphia, 1851), Vol. II, pp. 301-331. Two copies of the original edition are known to exist. One is now in the John Carter Brown Library, Providence, Rhode Island. The collation by John H. Wheeler was made from a copy in the library of the Philadelphia Library Company. Cf. Wheeler, *Historical Sketches of N. C.*, II, 331. Wheeler says: "This is the only perfect copy of Husband's book extant; I found it in the Library of Philadelphia, and for its use I am indebted to the courtesy of Lloyd P. Smith, the intelligent and urbane librarian of the company."



although it covers events only to 1769. It appeared in weekly parts, the first being issued on October 25, 1771; and the tenth and last part to appear was presumably issued on Friday, December 7, 1771. The ten separate parts were then bound together and sold from "the Printing-Office at the head of Queen-Street, in Boston." The proprietor of the printing-office was probably Daniel Kneeland, who in 1771 advertised as "Printer, head of Queen Street." From the title page, the site of the printing house is further identified as "opposite the Seat of William Vassel Esq" who lived at Pemberton Square, almost opposite Queen, afterwards Court, Street. It is not known why there were only ten parts, which carry the narrative less than half way through the period covered by the Regulation proper. Perhaps the sale did not warrant the issue of further parts.

Only two copies of the original edition are known to exist, one in the Library of Congress and one in the New York Public Library. This pamphlet was reprinted in its entirety by a careful student of North Carolina history, David L. Swain, in the *North-Carolina University Magazine*.<sup>3</sup> It has not, like Husband's *Impartial Relation*, been reprinted in any history of North Carolina. It was reprinted in full in *Some Eighteenth Century Tracts Concerning North Carolina*, edited by the late W. K. Boyd (Raleigh, 1927). In general it has, quite unwisely, been neglected by historians as an original, contemporary source.

A third primary source for the history of the Regulation is a powerful document, first known as "The Granville Paper," from which Husband quotes seven paragraphs. Because this anonymous document was, as Husband points out, dated "Nutbush, Granville County, the 6th of June, Anno Dom. 1765," it has been called "The Nutbush Paper." The title, as printed in Husband's *Impartial Relation*, is: "A serious Address to the Inhabitants of *Granville* County, containing a brief Narrative of our deplorable Situation by the wrongs we suffer, — And some necessary Hints, with respect to a Reformation." The seven paragraphs quoted by Husband were all that was known of this paper until 1915, when a manuscript copy of the complete text was discovered by the writer in the archives of the North Carolina Historical Commission. It bore the simple title: "An Ad-

<sup>3</sup> David L. Swain, "The War of the Regulation," *North-Carolina University Magazine*, IX (1859-1860), 121-161, 327-345, 456-469; X (1861), 17-35, 129-138.



dress to the People of Granville County. By George Sims." The author of the address, revealed by this discovery, was a native of Brunswick County, Virginia, the son of George Sims and Martha Walton, his wife. Born about 1728, he removed in 1764 to Granville County where he was married to a Miss Bullock, whose people had emigrated thither from Hanover County, Virginia. In a contemporary document Sims is denominated: "School Master." After suffering indictment, conviction, and a jail sentence for publishing the "Serious Address," he removed to Caswell County, North Carolina, where he died in 1808.<sup>4</sup>

The document printed below, called the *Continuation*, adds a fourth to the three primary source documents described above, presenting the insurgents' side of the Regulation imbroglio.<sup>5</sup> The fact of the existence of this presumably unique copy was brought to public attention in 1936 by Douglas C. McMurtrie in his *Eighteenth Century North Carolina Imprints, 1749-1800*.<sup>6</sup> This pamphlet is in the Huntington Library, San Marino, California; and is now published in the *North Carolina Historical Review* with the gracious permission of Dr. Max Farrand, Director, and the board of governors of the Huntington Library. The *Continuation* was doubtless published by the same printer who issued the *Impartial Relation*; but neither the name of the printer nor the place of publication of either the *Impartial Relation* or the *Continuation* is known. At the foot of the title page of the former is the statement: "Printed for the Compiler, 1770;" the title page of the *Continuation* carries the statement: "Second Part.—Printed for the AUTHOR, 1770."

The *Continuation* is of prime importance as an historical source document for filling the lacunae in our knowledge regarding the legal suits in which Husband became entangled. The best and perhaps the only satisfactory way to make this clear is to tell here, as succinctly as possible, the story of these suits. On May 1, 1768, when Regulator

<sup>4</sup> The texts of Sims's *Serious Address*, and of the petition of Reuben Searcy and others, March 23, 1759, edited by the writer, were published with the title "The Origin of the Regulation in North Carolina," in the department, "Documents," in the *American Historical Review*, Vol. XXI (January, 1916), No. 2. These were reprinted in the *North Carolina Booklet*, Vol. XVII, No. 4 (April, 1918), pp. 171-186, and in W. K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, pp. 175-192. These same documents were also reprinted in Jane Morris, *Adam Symes and his Descendants* (Philadelphia, 1938), which contains valuable historical and genealogical data regarding George Sims and the Sims family.

<sup>5</sup> *A Continuation of the Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, in the Province of North-Carolina, &c.* Second Part. Printed for the Author, 1770.

<sup>6</sup> University of North Carolina Press, Chapel Hill, 1938. This bibliography was first printed in three parts in the *North Carolina Historical Review*, Vol. XIII, Nos. 1, 2, 3. (January, April, July, 1938).



indignation had reached its first high pitch, Edmund Fanning, colonel of the Orange County Militia, headed a posse of twenty-seven armed men who the following day seized Herman Husband and William Butler, leading insurgents, and bore them off to Hillsborough. Husband, a busybody and *agent provocateur*, was not at this time a Regulator, according to William Butler's and John Pyle's affidavits, both of which are herein set forth; and according to William Butler's testimony, Husband refused even to have anything to do with the movement. There is considerable evidence, from Husband's *Impartial Relation* and other contemporary sources, to show that Husband never officially joined the Regulators. Nevertheless, because of his assiduity as a pamphleteer and his activity as writer, agitator, and legislator in pressing for redress of the Regulators' complaints, Husband was universally regarded as the spear-head of Regulator attack.

In the warrant issued against him in May, 1768, Husband, although avowedly not a Regulator, was charged with "Traterously and feloniously conspiring with others in stirring up an Insurrection." After a brief trial, Husband and Butler were thrown into jail, where they remained until midnight. They were informed of the plan to transport them to New Bern for trial; and perhaps for purposes of intimidation they were led to believe that, if tried there, they would surely be convicted and hanged. In fear of his life, Husband sent for Fanning, who was aroused from slumber, that he might propose to give recognizance for good behavior. Fanning welcomed this opportunity to draw Husband's fangs and thereupon drafted a most humiliating paper for Husband to sign, containing the following terms: that in future Husband should neither give his opinion of the laws, nor attend popular assemblies of protest; should forbear from voicing Regulator grievances and should warn others against doing so; should agree to tell the people he believed all the taxes to be according to law; and should do his utmost to keep the people quiet. This document, which he must have accepted with strong mental reservations, Husband signed, believing that it was the only way to save his life. He was then released under bond, as was also William Butler who likewise signed, to appear for trial at the following term of court.



During the several days before his case came up at Hillsborough in September, 1768, Husband, according to his own account, was brutally badgered and insulted by the militia. They repeatedly thrust bayonets to within a few inches of his body; once a soldier fired a musket "in his face" with the muzzle directed just above his head; and on another occasion a number of these rude bullies dragged him into a public house, set him upon a table, formed a ring around him, and cruelly taunted him. He was finally committed to the "New High Gaol," which contained on the interior a gallows, or its semblance, to terrorize the prisoners. So restricted were the quarters that not all the prisoners could lie down on the floor at the same time. "I looked on myself," relates Husband with a touch of *macabre* humor, "as a Captive among Enemy Indians, Nabobs, or Lord Inquisitors."

The following introduces the new data supplied by the *Continuation*.

To defend the four suits which had been brought against him, Husband retained the services of the distinguished lawyer, Abner Nash, afterwards governor of North Carolina. Ironically enough, Abner Nash was the brother of Francis Nash, Clerk of the Orange County Court, whom the Regulators were trying to convict of extortion. Abner Nash engaged James Milner, a scholarly lawyer and aristocrat of Halifax, as assistant counsel. Paralyzed by fear of conviction and execution at the hands of his oppressors, Husband blindly gave notes and signed bonds written by the lawyers—as he declares "without examining a word in them." As to the fees, Husband elsewhere states that the lawyers "soon got all the money I had [amount not specified] and Bonds and Notes for £150 more."

At two places in the *Continuation*, Husband relates that under a verbal agreement he made with the lawyers who, he maintains, were too wary to give him a written obligation, they agreed jointly to defend his suits; and in addition Nash made a solemn commitment, which Husband held to be of the highest importance, "to Plead the whole cause of the Regulation all over the Province," as described in the detailed story of the people's grievances which Husband had already prepared and circulated broadcast throughout the countryside. Moreover, Nash agreed to sue for damages for Husband's arrest and false imprisonment. As Husband felt



sure he could prove he was not a Regulator, in the technical sense, he believed he could win the suit for damages, which would enable him to reimburse Nash and Milner.

Although this elaborate agreement was verbal, Husband avers that he had "Evidences," presumably witnesses or affidavits or both, in support of his description of its main features as given above. Of the four suits brought against Husband at Hillsborough, September, 1768, three were dismissed for lack of evidence; and the fourth, although a true bill was found, resulted in acquittal.

At the March, 1769, term of Superior Court at Hillsborough, Nash and Milner demanded of Husband payment of the obligations. Husband, however, proved obdurate, refusing to pay on the ground that the obligations, having been obtained under duress, were invalid. Moreover, he contended that Nash and Milner had failed to keep their agreement to plead the whole cause of the Regulation all over the province. They had done so in defending Husband at Hillsborough; but as "was generally known they had deserted the Cause, by not speaking to it at Halifax, before the Assembly, and at Salisbury." Although Husband claimed that Nash and Milner had voided their contract, he proposed a compromise: to pay Nash and Milner "as much as he could do with Honor, and without being laughed at for a Fool." The attorneys declined the proposed compromise, refusing to abate one jot or tittle of their bill. Accordingly at the September, 1769, term of court, Nash and Milner each brought suit against Husband for debt; and the suits were continued to the next court.

At the March, 1770, term of Superior Court at Hillsborough, Milner brought suit for debt, damage £50; and Nash also brought suit for debt, damage £325—in each case, proclamation money. In both suits the jury found that there was no duress as Husband contended; but in each suit assessed for the plaintiff the nominal 6d. damage and 6d. costs. Three days later, Milner moved in arrest of judgment, filing his reasons therefor; and Nash presumably did the same, for the cases were continued.

When these suits finally came to trial, Husband again pled duress and offered to introduce testimony to prove the unjust manner in which the obligations had been obtained. Husband was so voluble in defending his own case as to anger his attorney, Marmaduke Jones, former attorney



general, who refused to make the plea advanced by Husband. The court refused to accept any of Husband's "evidences." Milner was given judgment for £50. On being informed that Nash's suit was precisely similar, which was not true, as explained above, the jury without leaving their seats gave judgment for £325 in Nash's favor. Husband felt himself grossly exploited and deeply wronged. Nash had postponed suing for damages on Husband's behalf; and finally refused outright "for Fear of incurring the Displeasure of Government, &c."

Despite their legal skill and cunning, the shrewd lawyers were balked – perhaps "bilked" would be a better word – in their efforts to collect of Husband the sum of £375. When execution was afterwards issued upon these judgments and levied upon Husband's land, the sale thereunder was stopped by a mob of Husband's sympathizing, Regulating friends. In commenting upon these judgments against Husband, the Rev. Shubael Stearns, Baptist divine and purported author of *A Fan for Fanning and a Touchstone to Tryon*, ironically exclaims (in the closing words of that pamphlet):

Oh LIBERTY! thou dearest Name! and PROPERTY! thou best of blessings! Whither are ye flown from the inhospitable land of Tryon and Fanning! blasted by the perjurous breath of Villains, who sell their Conscience for an *unworthy* price, the smile of an *injurious* man, ye are forced from the Courts, (miscall'd) of Justice.

Two other interesting contributions to our understanding of the Regulation are made by the *Continuation*. Rednap Howell, a witty and satiric versifier, who came to North Carolina from New Jersey where his close relative, Richard Howell, was sometime governor, wrote forty-odd humorous ballads and jingles anent the Regulator claims, complaints, and contentions. In the stanza given below he attributes the theft of a horse to John Frohock, misspelled "Frohawk," Clerk of the Rowan County Court at Salisbury. The verse shows two precious grafters and oppressors of the Regulators in cynical confab:

Says Frohawk to Fanning, to tell the plain truth,  
When I came to this country I was but a youth;  
My father sent for me; I wa'n't worth a cross:  
And then my first study was to steal for a horse.



I quickly got credit, and then ran away,  
And hav'n't paid for him to this very day.

Apparently Howell attributed to John Frohock the theft of a horse which, if Thomas Harrington's affidavit on oath, reproduced in the *Continuation*, is to be credited, should with more justification have been saddled upon Edmund Fanning. The story contained in this affidavit, if true, is a particularly damning exposé of Fanning's *hauteur*, scorn of the common people, and flagrant dishonesty.

The other significant contribution of the *Continuation* concerns the famous cases against Edmund Fanning and Francis Nash for extortion. Originally both were found guilty according to Governor Tryon; and in each of seven cases, and presumably in others, Fanning was fined one penny and costs. Fanning appealed, and Nash secured a continuation. No mention of Nash's conviction has been found in the Orange County records. Specific opinions were rendered upon these suits by representatives of the entire range of English and American law: the justices of the county court, the attorney general of North Carolina, the chief justice of the superior court, a distinguished barrister of the Inner Temple, London, and the attorney general of Great Britain. The North Carolina Superior Court, the highest court in the colony, after exhaustive study finally decided that Fanning had not knowingly charged fees not permitted under the act of 1748. The verdict, in effect that Fanning's takings were not tortious, was specifically "*Nil debet*" – the defendant owes nothing. In the *Continuation*, Husband argues plausibly that it is impossible to prove a man not ignorant of the law. The Regulators' chance for success in the courts against Fanning and Nash, guilty of extortion though these court officials might be, was *nil* – if the court ruled that Fanning, one of the shrewdest lawyers in the province, was ignorant of or innocently misinterpreted the law. Not Husband's attorneys, not any attorneys, could prove that Fanning and Nash were not ignorant of the law. The dice were loaded against the Regulators. Fanning and Nash couldn't lose.



A CONTINUATION of the  
IMPARTIAL  
RELATION  
OF THE  
First Rise and Cause  
OF THE  
RECENT DIFFERENCES,  
IN  
PUBLICK AFFAIRS,  
In the Province of *North-Car-*  
*olina, &c.*

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SECOND PART.

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Printed for the AUTHOR, 1770.

## A CONTINUATION of the IMPARTIAL RELATION OF THE

### First Rise and Cause, &c.<sup>7</sup>

It takes a considerable Time when a People is under Oppression to find out the true Causes, Sources or Defects of Government, from whence Oppression rises: These Defects or Causes are not seen by the Public; they first feel the Oppression, and in a steady and uniform Proceeding for Redress, the Causes are traced and found out one after another; and then the Wisdom, Care and Prudence of our Ancestors are seen as well as the Defects, which nothing but Time and Experience could discover. In the first Part of this Relation, or Narrative, we found a Defect in choosing our Juries, and have since discovered the Advantage and Privilege of Juries wholly taken away and invaded by a mischievous false Doctrine and Practice, that Juries are not Judges of Law, but of Facts only.

We receive Prejudices and false Notions by Education in our young Years, which never wear out [4] but by great Exercise and Use of Reason and Helps we receive from one another; who having found the Truth, do preach or publish it to others.

In my younger Years, nothing was more common than to hear Jurors acknowledge such and such a Case went contrary to Equity and Justice; but complain the Law was against him, or them, and they could not help it:—And this Law was commonly received from the Mouth of the Lawyers or Judges. Thus I was persuaded the Law was a mysterious Matter, that none but the Learned understood; and that the learned Men in every Court was so mixt, that one watched another, and the Judges set above, being swayed by Interest by Means of large Salaries. But when I could not but see the whole Court was jointly in one Interest, I began to lament that the Jury had not Privilege to be Judges of the Law, and was glad to observe, when it suited the Interest of the Court, the Lawyers and Judges allowed they were.—The first Instance I observed, was an Officer who had extorted; he plead Ignorance of the Law, and though the Law expressly said Ignorance did not excuse, yet the Judge told the Jury, if they could think in their Consciences that he was really ignorant, they might find

<sup>7</sup> Hermon Husband, commonly called Harmon, the author of this pamphlet, was born in Cecil County, Maryland, October 3, 1724. His parents were members of the Established Church of England. After undergoing several "varieties of religious experience," he joined the Society of Friends. Following his removal to North Carolina, he was disowned by Cane Creek Monthly Meeting, January 7, 1764, for outspokenly criticising the meeting's action in granting to Rachel Wright, a fellow-member of the Society who had committed some disorder, a certificate of removal to Fredericksburg, South Carolina. He finally settled at Sandy Creek, then in Orange, now in Randolph, County. Husband was a man of integrity, studious habits, and business ability. A natural agitator, he became the chief adviser and pamphleteer of the revolting petty farmers of North Carolina. Often indicted and twice imprisoned during the period of the Regulation, he was never convicted. He led the fight for reforms, sought by the Regulators, in the Assembly in 1769-1770. After the defeat of the Regulators at Alamance, May 16, 1771, Governor Tryon offered £100 or a thousand acres of land for his capture; but he succeeded in escaping to Maryland. He subsequently removed to Pennsylvania and became an active leader in the Whiskey Rebellion of 1794. He was captured, tried, and placed under sentence of death in Philadelphia; but was pardoned by Washington through the intercession of Dr. David Caldwell, the famous teacher, and of Alexander Martin and Timothy Bloodworth, the then senators from North Carolina. He died at a tavern on his way home, after release from prison. See Stephen Beauregard Weeks, *Southern Quakers and Slavery*, pp. 178-182; Frank Nash, "Herman Husbonds," S. A. Ashe, ed., *Biographical History of North Carolina*, II, 185-193; Eli W. Caruthers, *Life of David Caldwell*, *passim*. See also Hermon Husband, *Some Remarks on Religion* (Philadelphia, 1761), reprinted in W. K. Boyd, *Eighteenth Century Tracts*.



him not guilty.—This was a weak Jury, ignorant like myself, who took the Judge's Word for such Things.

I reasoned a little on the Matter, and found the Reason of the Law was the Impossibility of proving a Man not ignorant; and though Reason, upon which Law is founded, would not punish a Man any further than to make Restitution, who really was ignorant, yet the Law could not excuse him, by Reason then every one would plead Ignorance.

The second Instance was, when two Lawyers disagreed about the Law, neither of them could find the Matter that would clear the Defendant; the Jury was ordered (and the Court allow'd it) [5] to take the Law-Book with them, and see if they could find it.

The third was an Officer, indited for Extortion, who owned the Fact, but plead it was a Mistake, and that he found it out before he got two Miles from the Man's House, and told his Companion he had wronged that Woman, the Man's Wife, out of a *Shilling*; and that near a Year afterwards, when the Man had made a publick Complaint, and had even sent the Receipt to the Governor, which was proved in Court, as a Reason the Receipt could not be produced on the Trial.—He, the Officer, had sent the *Shilling* back.—The Court let the Jury know they might clear the Officer, which they did; and the Officer indited the poor Man for Perjury after he returned back the *Shilling* to him.

Fourthly, I observed the Lawyers took double treeble, and tenfold Fees, and plead Custom along against Law,

Fifthly, I observed the Jury's Oath was always a true Verdict given according to Evidence.

Sixthly, I observed Juries were to be men of equal Rank with the Person tried, and not Men learned in the Law.

Seventhly, I considered Assembly-men were chosen by the common People, and not by Men learned in the Law, and that common Men could best understand the Meaning of common Men, of whom the Majority of the Assembly is composed, and that though an artful designing Lawyer may be in a House of Assembly, and frame a Law in such Words as may be construed to mean different from the common Apprehension of People, yet the Majority of the House understood them in the common Sense; therefore common Men were best Judges of the Intent and Meaning of the Majority of the Members of any House of Assembly.

Eighthly, I found the Maxims of Law, and the Intent and Design of it was to come at the real Truth, Equity and Justice, that it might be [6] a Praise to them who were honest and Well-doers, and only a Terror to wicked dishonest Persons.

Ninthly, I considered the Constitution was composed by Christians, who profess to be above the Letter of the Law, but are to be guided by the Theory of Spirit and Design of it.

Tenthly, I considered the Spirit of the Times ought to be considered, such as when JAMES the Second assumed a Power dangerous to the Liberties of the common People, who first created that Power to protect them that very Liberty; the same Actions in the Letter of the Law were Praiseworthy and virtuous as would have been downright wicked and rebellious in the Time of WILLIAM and MARY.



The Actions of *Jehu* is recorded with divine Approbation, while *Absalom's* is recorded with the contrary; from all which, I concluded a Juror's Duty was to bring in such a Verdict as he thought would always remain and last agreeable to his Conscience in the Sight of God, who judges Man according to the good or evil Intent of his Heart; such a Judgment the sweet Judge and Psalmist of Israel said, in his dying Expressions, was like clear Sun-shine after Rain on the tender Grass.—The tender Grass was the Bud of Truth and Honesty, or the Principle of Truth in the Heart of every honest Man who was Neighbour to the contending Parties, which would start forth or exult with Joy thereby, taking a fresh Growth and Encouragement to abide in well-doing.

A certain Author, (from the Political Register) has these Paragraphs, in a Piece to a Jury-man.

"The Law, says he, are the Paladium of Property; they are the surest Safe-guard of our Lives, and the strongest Fence to our Lands. All Law is or ought to be right Reason; but there ever was, and always will be, a Struggle between Men's Reason and their Passions, between Law and arbitrary Power.

[7] "The Law of this Nation, as by a Compact with the Crown in the Magna Charta of this Kingdom appears, does indeed defend and secure the Lives, Liberties and Properties of the Subject as far as human Prudence could devise;—but the grand and principal Law of the Land, on which the Justice of all the rest depends, is that for trying all Disputes and Differences between Subject and Subject, and all Crimes against the Crown *per* Peers, or by a Jury of twelve honest Men, of the same Rank and Degree with the Persons disputing or accused, to be elected without Prejudice of Party, and bound by Oath to try such Dispute, Difference or Crime, according to the best of their Understandings, and to bring in according to their Consciences an impartial Verdict.

"Our Ancestors were indeed so justly jealous of their Liberties, and so careful to arm against any unjust Prosecutions of the Crown, that they fixed Grand Juries as an advanced Guard, who were, before any Prosecutions could be carried on, to find it *Billa Vera*, that there was just Cause or Reason for it. But this Grand Barrier of *British* Liberty has been often borne down by arbitrary Power, and Prosecutions, carried on against the Subject by Star-Chamber Information. But though Prosecutions are now become common, yet they are nevertheless a national Grievance, and a very great Encroachment upon our Laws and Liberties, and should therefore teach us to be more vigilant and careful in keeping those Rights which yet remain.

"Though Trials by a Jury of twelve honest Men, of equal Rank with the Person tried, is yet left us, and is indeed the great Law on which all our Lives, Liberties and Properties depend, yet there is a Doctrine lately inculcated, that tend to destroy the very Use and Essence of them.—That which arbitrary Power cannot batter down, it may undermine; the Form of Juries as that of Parliaments, has by long Usage been rendered too [8] sacred to be attacked; but what does the Form of any Thing avail without the Use?



"As Hypocrisy in Religion is a gross Affront and Mockery of God, so good Forms kept up in any State, are, when turned to bad Uses, a gross Affront and Mockery of the People.

"It is now-a-days confidently asserted by some, that Juries are not Judges of Law, but of Fact only. What can be more false, what more injurious to the Subject? Or what can tend more to overturn all our Laws and Liberties? For if this pernicious Doctrine should be allowed, Juries would be so far from being a Security to the Subject, that they would be often a Snare, and that which our Ancestors intended as a Bulwark to defend our Lives and Properties, would become a strong Engine to batter them down;\* because any Person might then be

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*\*I have often observed a Court to blind the Jury, and give them base Directions; and when the Verdict displeased the Publick, in general, they never fail throwing the Blame on the Jury, saying, his Country have condemned him, and the Laws of his Country has condemned him. They often extort a Verdict from a Jury that they would not give for Shame themselves if it had been left to their own Verdict.*

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prosecuted for the most innocent Action, or for acting according to any Law of the Land which arbitrary Power did not like, and found guilty and punished at the Pleasure of the Court; for they need only to charge such Action to be seditious, riotous, &c. and then prove the Fact. The Jury must of Course bring him in guilty, if they are not Judges of Law but of Fact only.

But this wicked Doctrine that tends to subvert all our Laws and Liberties, is no more contrary to Reason than Practice; for do not Jurors upon all Inditements for Murder take upon themselves to judge whether the Prisoner is guilty of Murder or Manslaughter, and find accordingly?—[9] When a Person is prosecuted upon a Statute, is not such Statute usually read to the Jurors? for what Reason, but because they should judge whether the Matter of the Person accused be in such Statute or not? Are they not then Judges of Law as well as of Fact? Is not the Jurors Oath, that he will well and truly try, and true Deliverance make; that is, that they will fully, truly and impartially try the Prisoner, whether he be guilty of the Crime laid to his Charge or not, and according to their Consciences either acquit or condemn him in their Oath? There is none of this new unjust and dangerous Distinction between Matter of Law and Matter of Fact; but they are sworn to try the Prisoner impartially, and according to the best of their Understanding to bring him in Guilty or not Guilty. The first Part of a Jury's Consideration is, whether the Matter laid to the Charge of the Prisoner be a Crime or not. The second, whether or no he committed it. If the Matter laid to the Charge of the Prisoner be not itself a Crime, how can any Jury, without breaking their Oaths, bring him in guilty of the Fact? Is it not the greatest Absurdity to say that a Man is guilty of an Innocent Action? Can Innocence be Guilt?\*

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*\*As I said before, we receive false Conceptions of Things by Education in our young Years; so when the Regulators were first indited for rescuing the Mare,<sup>8</sup> I thought the Jury could not but find them guilty, because of the Law. But this brought great Concern*

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<sup>8</sup> Sandy Creek Church was established late in 1755 by the Rev. Shubael Stearns and fifteen other Baptists from Opequot in Virginia. Stearns, bred a Presbyterian, was born in Boston, January 28, 1706; and at the age of forty-five he embraced the Baptist faith at Tolland in Connecticut. The Sandy



on my Mind, when I considered how every honest Man who was acquainted with their Motives approved in his Heart what they did. I lamented the State of Christianity, to think twelve honest Men must on Oath condemn a Man for acting a Part of the highest Virtue and most noble Spirit, that of saving his Country from being robbed and plundered by Villians, which the Laws themselves allows to be worse than open Robbers. How cruel I thought it was, if I happen on the Jury, to condemn the Men I wish Success to in their Undertaking, and know and believe in my Heart and Conscience is the only true Men for the publick Good our County affords. But as soon as I heard one of the Inditements read, I was eased, and I told some of my Neighbours, was I on the Jury, I would clear every Man, for they were not Guilty in the Manner and Form they stood charged. I further considered, was the Inditement drawn to the exact Truth, I questioned if a Man on the Jury could, with a clear Conscience, condemn them; though they might say they were guilty of the Facts charged, but they were Virtues instead of Crimes. The Inditement must have run thus to have been the Truth, viz. That as the Officers of the County had, contrary to Law or Justice, robbed and extorted from the People, and combined so together, that no Redress could be had by the Law, and that out of mere Necessity to save the Country from abject Bondage and Slavery, Robbery and Rapine, they gathered together, and re-took the Mare, to convince the Rogues that the honest Men could no longer submit to such Usage, but would have a hearing before the Legislative Body, which was impossible to be obtained but by this Way.—Here I saw the Wisdom of our Ancestors in framing the Law to condemn Rioters, though to Redress either a real or pretended Grievance, because Men with an evil Design might raise a Riot, for at any Time some little real Grievance might be found; the Law is therefore good and just, and must stand as it is. And the Law prescribes the Form of the Inditement, which sets forth with what evil Intentions and Motives the Party must be actuated by to be liable to the Punishment; and also actuated by to be liable to the Punishment; and also prescribes the Jury to be impartial honest Men, whose Hearts are the Temples of Truth, and are to judge according to the Spirit and Intent of the Law, which is but a Rule to come to real Equity and Justice, as far as human Prudence could devise.

[10]Whenever a Jury brings in the Prisoner guilty of the Fact, yet not being convinced in their Consciences of the Crime of it, leaves that to the Court, [11] it is commonly called a special Verdict; but the proper Appellation is, indeed, special Perjury; because they do not, according to their Oaths, well and truly try, and true Deliverance make: For when a Jury are not convinced in their Consciences, that both the Matter laid against the Prisoner be such a Crime as is mentioned in the Inditement, and that he also committed it, they are bound by their Oaths to bring him in not guilty.

Juries should always consider by what Method the Prisoner before them stands accused. If he does not stand there according to the common legal Manner, by a Presentment of the Grand Jury, but by Information, they may then very reasonably suspect that the Prisoner's Crime is not such as it is called, because Prosecutions by Informa-

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Creek Association, consisting of nine churches, was organized June 2, 1758. In August, 1766, the Sandy Creek leaders issued a call to each neighborhood to send delegates to a gathering for the purpose of investigating the question "whether the free men of this country labor under any abuses of power or not."

After various public protests and vigorous efforts to redress the people's wrongs, all of which proved abortive, the Sandy Creek Association abandoned the struggle toward the close of the year 1767. In the spring of 1768 the country people and small farmers of Orange County organized to combat two new evils: the sheriff's notice that unless the people came to five designated places to pay their taxes he would distrain at a cost of 2s.8d. for each distress; and the rumor that the people would soon be taxed 8d. each, not for a modest "government building" but for a veritable "palace," for the erecting of which the Assembly had voted the huge sum of £15,000.

While these would-be Regulators, as they styled themselves, were in a tense state of suppressed indignation, an incident occurred which set off a popular explosion. In conformity with the notice cited above, the sheriff, John Lea, distrained upon a leader of "The Mob," as they were then called, who had not paid his taxes, seized his mare, saddle and bridle, carried them to Hillsborough, and sold them to pay the tax. So inflamed were the Regulators by this legal but ill-advised action that sixty or seventy of them, armed with clubs, staves, and muskets, hastily assembled and led by the mare's owner seized a former sheriff, Tyree Harris, tied him to a tree, and re-took the mare. See G. W. Paschal, *History of North Carolina Baptists*, Vol. I; Archibald Henderson, *The Conquest of the Old Southwest*; *Colonial Records of North Carolina*, VII, 764.



tion are seldom brought but when no Grand Jury will find the Bill; therefore they should in such Cases always supply the Place of a Grand Jury by taking upon themselves to determine the Nature of the Crime, and not by an iniquitous special Verdict cast the Prisoner as it were into the Power of his Prosecutor. Juries are bound to see with their own Eyes, and not through the Opticks of the Bench, nor are their Consciences to be controlled by the Court.

There are Cases relating to Property that often happen between Subject and Subject, which are intricate, and require nice Distinctions; here the Judges must help the Jury to distinguish: But in all criminal Cases between the Crown and Subject, the Crime of the Fact as well as the Fact itself, should always be fully and clearly proved to the Satisfaction of the Consciences of the Jury; or otherwise they cannot, without Perjury, but bring in the Prisoner not guilty.

Lawyers often puzzle the Jurors and others, with subtle and nice Distinctions about the true Meaning of Words, and differ in no one more than in the Word Libel.

Some Lawyers will say a Libel may be either true or false, and that its Truth makes it rather more a [12] Libel than if it was false; but who was ever yet prosecuted for writing or publishing a Libel that was true, and where the Word false was not expressly mentioned in the Inditement? Therefore it appears plain, that Falsehood must be joined to Defamation to make a Libel.

The great Lawyer, Lord Chief Justice *Holt*, says, That whoever asserts Things in Writing, must also, at his Peril, prove them to be true.

If what a Man has wrote or published be Truth, with what Conscience can a Jury bring him in guilty of writing or publishing a false Libel? It is surely contrary to right Reason, and therefore should be so to Law too. To charge a Person with publishing a Libel that is false, and yet refuse him the Liberty of proving it to be true, such Refusal cannot but be to every honest Man's Conscience the strongest Evidence of its Truth.—

Can Right Reason call Truth a Crime? If not, I hope the Laws of England never will. Miserable indeed must be the State of that people where writing truth against a Man is accounted a Crime—yet I own I Discommend, nay highly blame the Writing of even Truth itself, if Defamatory, when it concerns only private Persons; But if the Rights or Liberties of the Publick are any wise interested, Truth, and all the Truth, however Defamatory, ought always to be told, for otherwise how could the Publick ever oppose any oppression at all? As suppose a Man was by arbitrary Power illegally imprisoned, and denied the common Relief of the Law; in such Cases, would not the publick be highly concerned therein? for might not the same hard Treatment be every Man's Case? Should not therefore such Man publicly complain thereof, and make his true Case known to others, that they might take proper Measures to prevent it being their own?

To make a Libel of any Writing, the words of it should not have a forced Meaning, by Inuendoes drawn from an Orators fertile Brains, put up[13]on them, but the Sense of them should be plain, clear and obvious to every one, for otherwise, so great is the Lawyer's Art, that



he would Wire-draw Treason from the most sacred Truth, and make a Libel of the Lord's Prayer; as for instance, in these Words, For thine is the Kingdom,—Oh, says Mr. Attorney, this is a treasonable Expression, for, by Inuendo, it is saying the King has no right to the Crown.—There are, indeed, no Words which Lawyers cannot by forced Constructions torture into Treason.—Jury-men may therefore well smile when they see those learned and eloquent Gentlemen take such Pains to perswade them that such Words carry a very different Sense from what their own Reason plainly tells them.

Publick Grievances can never be Redressed but by publick Complaints; and they cannot well be made without the Press.

Now if publick Oppressions cannot be removed without publick Complaining, and if such Complaints, tho' ever so just and true, should be deemed Libles against those who caused them, would not the Rights and Liberties of the Public be in a fine situation? Our Laws would then be Delusions, our Rights but Shadows, and our Liberties a Dream; to secure the Lives, Liberties and Properties of the Subject from all such Oppressions, is the sole End or Intention of Juries: And while they have Knowledge to act according to their Oaths, they will be a sufficient Guard against them.

When Juries act according to their Consciences, and bravely resist the illegal Attempts of Arbitrary Power, they not only secure the Lives and Properties of their Fellow Subjects, but transmit their Names and Virtues to Posterity in the shining Records of eternal Fame. The Conscience of a Jury is the Supream Law, the Law of right Reason; over which no Rhetorick from the Bar, no Direction from the Bench, should ever have the least Sway or Influence. The Hearts of honest Men are the Temples of Truth, which no Interest can corrupt, no Power of Perswasion change. They will stand like a Rock, firm and immovable against all the Waves of Corruption, or Winds of Arbitrary Power."

Now there seems to rise an Objection in weak Minds, and know it by Experience, that if the Jury is to be sole Judges of Matter of Fact and Law too, whose Consciences are not to be controlled by Lawyers nor Courts, then of what Use are Lawyers and Courts?—Their Use is to keep up Authority, Order and Rule in bringing Cases and Matters before the Jury, that the true State of the Case may be known, and each Party an Opportunity and Authority to bring any Evidence, and not be surprised into a trial, or tired out by tedious Delays.—But of all Men in the World Men in Authority, or Lawyers, are most unfit to be Judges in a common Way; and the Reason is plain, for right Judgment cannot be attained to by human Learning no more than Religion, because right Judgment is a part of Religion, and can only be obtained by laying down our own Wills. There is Certainly very few Men put into Power who are not ambitious for it, and daily serve their own Wills; and Lawyers are generally to be bought with Money to any Side, to sway the Juries Minds with long artful and subtle Pleas and Arguments.

It seems to me that this was not the first Intent and Design of Lawyers;—but their Work was only to see the Action rightly entered, stated, speak to it at proper Time and Place, &c. to prevent Confusion,



because every Man could not possibly tell when it was a proper Time to attend, speak, &c. And I am the more confirmed in this Opinion, by reason the Lawyers tell us, if we will give them no more Money than the lawful Fee, they will do no more for us than the Law obliges them to [15] do. And I dare say the Law obliges them to do all that is necessary, and was thought necessary by the Founders of the Law. And the Founders of Law are Men enlightened, of reforming Principels, at the Beginning of each Reformation; for Lawyers to be Law-Makers, they never are but in a degenerate Time, when they are sure to corrupt the Law to serve the Interests of the Courts, 'till they load the People with Oppressions, and force a Reformation; this has been the Case of Mankind since the World began. See the History of Israel from *Moses* to our Lord. These Reformations before Christianity were generally made by the Sword; and too much so since. But it seems to me the *English* Constitution is a Plan which, if rightly Carried on and improved, may be able in itself to reform by legal Proceedings. A Care in having the Juries the Choice of the People themselves; that is, impartially chosen, and them Jurors a right Knowledge of their Province and Duty, is all at present that is wanting to compleat a Reformation without the Sword; the Care of choosing Assembly-men, and their Province and Duty, has already been treated of in the first Part of this Work, when the Consequence and Duty of Jurors was but young to us.—Methinks when a Reformation can be brought about in our Constitution by a legal and constitutional Manner, then will commence that Thousand Years Reign with Christ, and utter downfal of Mystery *Babylon*, who has truly made the Nations of the Earth drunk, pysoned their Understandings, and bereaved them of Sense as much as strong Drink will do.

I shall now break off this Discourse, whether it may be called Preface or whatever else any one may please to call it, and begin the Relation of Facts in the same Manner of the first Part, *viz.*

[16] The first Thing we had to do was to choose a new Assembly, which we carried again, notwithstanding the Court Party treated and used all Means in their Power by scurrilous low and pitiful Slander of our two late Members.

As Colonel *Fanning*<sup>9</sup> and *Harmon Husband* became the two Patrons of the two contending Causes, our Election was a fair Division, and shewed which Side the Majority of the Hearts of the People was;

<sup>9</sup> Edmund Fanning, born April 24, 1739, in Suffolk County, Long Island, New York, was educated at Yale College where he won distinction in his studies, became a Berkeleian scholar, and was graduated with the bachelor of arts degree in 1757. About 1760 he removed to North Carolina, studied law under Robert (commonly called Robin) Jones, sometime attorney general of the province, and was admitted to the bar in 1762. A soldier of fortune, of very moderate means, he settled at Childsbur, in 1766 changed in name to Hillsborough; and in March, 1763, was appointed register of deeds of Orange County. During the next five years he amassed a respectable estate, as attorney charging all the traffic would bear and as register habitually practising extortion, whether deliberately or through ignorance of the law, it is impossible to determine.

An aristocrat by birth, Fanning was a social snob, a high Tory in politics; and while always courting the favor of his superiors, he was arrogant and supercilious to his inferiors. Of attractive personality and ingratiating manners, he won the friendship of many of the leading men of the province. He became the favorite and *protegé* of Governor William Tryon. In place of Maurice Moore, whom he dismissed in 1766 for his activities in the Stamp Act disorders, Tryon appointed Fanning assistant judge for the district of Salisbury. Fanning represented Orange County in the Assembly, November session of 1762, and also from 1766 to 1768; was colonel of the county militia, and probably the most prominent man in the county in 1768. The following year, as the result of the widespread support of the Regulators' cause, Fanning and Lloyd were supplanted in the Assembly by Hermon Husband and John Pryor.

For details of Fanning's later career consult Archibald Henderson, "Queen's College," *Raleigh News and Observer*, March 6 and April 3, 1938; M. DeL. Haywood, *Governor William Tryon*.



the Votes stood thus,

<i>Hermon Husband,</i>	642
<i>John Prior,</i>	455
<i>Edmond Fanning,</i>	314
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Total,	1411

The half of which Total is the Number of Voters, or nearly thereabouts, which is between Seven and Eight Hundred; Six Hundred and Forty-two of which Voters were on our Side in their Hearts. What a vast Majority; yet arbitrary Power has such Advantage, that they expect notwithstanding to overcome us though the Odds is nearly the same all over the Province. The first of which Advantages, was the Power of proroguing the Assembly from *May* the 1st, to *November* the 30th; which verifies the Truth of the City of *London's* Remonstrance to the King, that *James* the Second would not let his Parliament sit because they were not subservient enough to his Designs; arbitrary Power is in Substance always one and the same.

The next in Course is the Trial of *Hermon Husband*, whose case is related in the first Part of this Work. He drew up a Plea and gave to his Lawyer<sup>10</sup> a true State of his Case (which was nearly the same with the One printed as aforesaid) setting down the Names of each Evidence against the different Parts of the Case as they were to prove; if his Lawyer did not show this to the opposite Lawyers and the Court, yet they could see the Case in Print and when the trials come on, there being two actions for Notes to two different Lawyers. [17] on the first Action the Lawyer for *Hermon Husband* plead Duresse, and offered Evidences, but the Court would not suffer one to be sworn;—his Lawyer soon gave out speaking. Then *Hermon Husband* informed the Court, how he could never see the declaration against him, and how he had informed his Attorney of it in time last Court, and had desired him to plead it that the Court had not then seen cause to abate the Action till he had been served with a declaration; and now as they debarred any Evidence, from some Defects he did not understand, he therefore claimed his declaration by reason he might get council upon it how to state his action, as not to be debarred of his evidence. This was nearly the Substance of what *H. Husband* said, when his Lawyer got up, in a passion, and said, he would plead no such Plea for him for all his Estate. The Judge once demanded of the Lawyer to lay in his Plea in Writing, and *Husband* took hold of the paper he had gave his Lawyer as a true State of the Case, so far as he could state it without a declaration; but it was not suffered to be heard. One of the Judges said, read the Heads of it. *Husband* told him it was already writ as short

<sup>10</sup> Marmaduke Jones, it appears, was Husband's attorney. According to Governor Tryon, who entertained a high opinion of Jones's ability as a lawyer, he was a cousin of Sir Marmaduke Wyvill, Baronet, and a grandson of another Sir Marmaduke Wyvill of an older generation. The latter's daughter, Ursula, was married to a certain Jones of Furnival's Court, London; and these were Marmaduke Jones's parents. Following the death of Robert Jones, attorney-general of North Carolina, 1756-1766, on October 2, 1766, Governor Tryon appointed to the vacancy Marmaduke Jones who, he informed the Board of Trade, "had long been a resident, of first credit and capacity, above forty years old, educated in England. . . ." Jones was a member of the Council in the administration of Governor Josiah Martin, being appointed by Governor Tryon on May 1, 1771. In 1768, then a magistrate, Jones declined the post of associate justice of the superior court, offered him by Tryon who described him as "not inferior in abilities to any of his profession in this country." He died in Wilmington, and was buried there on August 22, 1787. See M. DeL. Haywood, *Governor William Tryon*, pp. 50-51; G. J. McRee, *Life and Correspondence of James Iredell*, II, 179.



as it could be.—However in about an hour or less, the Court told the Jury to give in their Verdict; as the Defendant had no Evidence that could be admitted, &c. they must give Judgment without hearing any.

*Hermon Husband* then told his Lawyer, he had never seen or read one of the Notes, nor received the least Value, but the Lawyer would not plead it. The opposite Attorney was asked if he had any Evidence; who said, he had not thought any necessary.—The Jury then gave their Verdict against the defendant; when immediately the Jury was informed there was another Action exactly similar; upon which they were sworn, and gave Judgment accordingly, never rising from the place.

We shall not rack our Brains to find out [18] Names to call this Work by, but content ourselves with producing a Copy of some of the Oaths of some of the Evidences taken since before a Magistrate, though some material Ones refused unless brought before the Courts or Assembly, they having Actions depending, &c. But before we go further, we will give the Substance of a little Dialogue between one of the Jury, and *Hermon Husband* and his Wife, to serve to shew the Necessity of informing ourselves of the Duty and Privilege of Juries, *Viz.*

*Juryman.* Well, I think you stood no Chance at all; they would not allow you one Evidence.

*H. H.—d.* No, but I never heard of such a Thing before.

*Juryman.* Well, and cannot you find no Way to help yourself yet, by Chancery nor no way.

*H. H.—d.* No. I don't think I can. All the Chance I stood was in my Country.

*Juryman.* But what could we do? you see they would allow you no Evidence.

*H. H.—d.* Knowledge is the Thing now wanting: Had you retired, may be you might have refused to give a Verdict till you had heard the Evidence.

*Juryman.* I would never pay it, it don't signify; it is so unjust. A Man's whole Estate for nothing at all.

*H. H.—d's Wife.* Ay, I had them Notions. I thought I would scald them, and what not. I am out of all such notions now.

*Juryman.* And what will you do then, I suppose it will take every Thing you have; how upon the Earth, will you do? and for nothing at all.

*Wife.* Do, why, to be sure, I have had some Thought what to do: In Summer one can lay on a Floor for a few Nights, and bind out the Children, and hire out to Service, among other People, &c. [19]

*Juryman.* But you see they have indited two or three this Court for Perjury; others threatned with Writs, and every Man is as liable to be ruined the same way as you; so where will you find Places.

*Wife.* I have considered all that too; but I conclude before it comes to that Pass it will end in a Fight.

The Qualifications relating to the case are as follows, *Viz.*

*North-Carolina, Orange County.*

On the Twenty-fourth Day of *April*, 1770, came *William Butler*<sup>11</sup> before me one of his Majesty's Justices for the County aforesaid, and

<sup>11</sup> William Butler, a resident of Orange County, was an active leader of the Regulators. He was a brother of John Butler, sometime sheriff of the county, afterwards lieutenant-colonel of Orange County minute-men in 1775, and brigadier-general during the Revolution. John Butler, who lived at Mt.



being duly sworn on the Holy Evangelist, doth depose and say, That he was at Work for *Hermon Husband* at Times, off and on, from the Beginning of the Regulation, about *February* or *March*, in the Year 1768, 'till he, this Deponant, as well as the said *Hermon Husband* were taken Prisoners on the second Day of *May*, 1768; and that he, this Deponant, had frequent Conversation with the said *Husband* on the Subject of the Regulation, and often pressed him to joyn, but that the said *Husband* always refused, and recommended a Care and Industry in choosing Assembly-men and Vestry-men, and Petitioning, as the only safe Way to obtain a redress of Grievances, and utterly refused to be concerned in any other Way or Means of Redress. And this Deponant further saith, that while they, [t]his Deponant and the said *Husband* where bound with their Arms behind Backs, and Feet under the Horse's Belly, in the Night after the said [s]econd Day of *May*, he heard Col. *Edmond Fanning* bring the said *Husband* under the following Promises, *viz.* That the said *Husband* should not give his Opinion of the Laws, nor frequent assembling himself among People, nor show any Jealousy of Officers taking illegal Fees; and not only to forbear speaking so himself, but if he heard any others speak so to [20] reprove

Pleasant some sixteen miles west of Hillsborough, did not support the Regulators and testified against them. Upon returning to Hillsborough from Halifax, where he had been attending the sessions of the superior court, Colonel Fanning produced a warrant issued by Chief Justice Martin Howard for the arrest of William Butler, Peter Craven, and Ninian Bell Hamilton, leaders of the Regulator party who has retaken the mare from the deputy. On May 1-2, 1768, a posse in two divisions, headed respectively by Fanning and Thomas Hart, a former sheriff, arrested Butler, an avowed Regulator, and Hermon Husband, who had not openly joined the Regulator movement, on the charge of inciting to rebellion, and threw them into prison at Hillsborough. Husband obtained his release through a mixture of cunning and servility; but Butler played a much nobler part and refused for a long time to accept bail, asseverating "I have but one Life, and I freely can give that up for this cause; for, God above knows, our Cause is just." When the cases came to trial in September, Butler, Samuel Deviney, and John Philip Hartso were convicted of a "rout and rescue." Butler was sentenced to imprisonment for six months and to pay a fine of £50; but the governor remitted the punishment and granted Butler six months in which to pay the fine. This fine was never paid, as a year later the governor pardoned all who had been found guilty on these charges.

After Tryon in 1768 had marched his army through the disaffected regions, the Regulators sullenly submitted; but Husband and Butler, it was stipulated, were not to be included among the persons to be excepted by proclamation from pardon. The stipulation was not kept by Tryon as to Husband, but Butler's name did not appear in the list of thirteen persons excepted from pardon in Tryon's proclamation, October 3, 1768. In the disgraceful riots at Hillsborough, September 24 and 25, 1770, Butler was one of the ring-leaders, although he had been treated by the governor with the greatest leniency. No sessions of the superior court were held at Hillsborough in March, 1771; and the entry on the court records is fully explanatory: "The persons who style themselves Regulators and under the conduct of Herman Husbands, James Hunter, Rednap Howell, William Butler, Samuel Deviney and others, broke up the Court at September Term last, still continuing their riotous meetings and severely threatening the Judges, lawyers and other officers of the Court, prevent any of the Judges or lawyers attending. Therefore the Court continues adjourned till September Term, 1771."

Along with some fifty to sixty others, William Butler was indicted at New Bern, March 11, 1771; one of the cases was for an assault on John Williams at Hillsborough, September 24, 1770, another for the attack on Fanning's house the following day. Each of the sixty-two indictments was returned "a true bill"; and under the riot law these defendants would be considered outlaws if they did not appear for trial within sixty days. Butler remained at large until the engagement at Alamance, May 16 following; and on June 9 Tryon issued a proclamation offering a reward of £100 sterling or 1000 acres of land for the apprehension, dead or alive, of Husband, Hunter, Howell, and Butler. However these four Regulators immediately after the defeat at Alamance had fled to Maryland. In 1771 the Assembly asked for the pardon of all but Husband, Butler, and Howell. Many prominent Regulators, including Butler, sued for pardon; and in his petition Butler declared: "It is with the utmost abhorrence that I reflect on the proceedings of the people called Regulators, being fully convinced that the principles which they espoused are erroneous. . . ." In a long and informative letter to Butler, November 6, 1772, Hunter remarks: "The people want you back and I think you would be quite safe. . . . Our governor has got Fanning to forgive the pulling down of his house and he has published it in printed advertisements all over the country." At the battle of Guilford Courthouse, March 15, 1781, William Butler, in the army of Cornwallis, fought against James Hunter, the "general" of the Regulators, and his own brother, General John Hogan. At the outbreak of the Revolution the King, for reasons of policy, through Governor Josiah Martin issued a proclamation of pardon for all, save Husband only, who had been concerned in the Regulation. William Butler has been described by an apologist for the Regulators as a "thoroughly brave and sincere man."

*Colonial and State Records*, Vols. VII, VIII, IX, X, *passim*; J. S. Bassett, "The Regulators of North Carolina (1765-1771)," *Annual Report*, American Historical Association, 1894, pp. 141-212, *passim*; M. DeL. Haywood, *Governor William Tryon*; Francis Nash, *Hillsboro, Colonial and Revolutionary*, and "History of Orange County" in *North Carolina Booklet*, Vol. X (October, 1910), No. 2; and Joseph M. Morehead, *James Hunter*.



and caution them not;—And that he would tell the People he believed all the taxes were agreeable to Law,<sup>†</sup> and use all other his Endeavours to keep the People quiet.—To all which the said *Husband* consented, with an Exception or Reserve of Liberty to assemble himself among People, and converse freely when Elections was on Hand.

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<sup>†</sup>*In Days of Isr[ael], obtaining a Redress of Grievances in a legal or co[n]stitutional Way was not known; But then Men were excited by God's Spirit to redeem their Country by the Sword: So now though some Men can see into a legal way, yet Numbers do not see into it; and such are excited by God's Spirit now, as formerly, to redeem their Country in the best Manner they can see any Probability of success. So that though some Men are for Mobs and some for legal Methods, yet all are actuated by the same Spirit of Love to their Country, and seldom do any Mischief, but shews their Strength.*

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And this Deponant further saith, that at the next Superior Court, he, this Deponant, was put into Prison, which Prison had been newly built, and Stockaded all round, and that between two Joices of the Prison, over the Middle of the Floor, there was a Pin neatly and nicely fixed which very much frightened and scared him, this Deponant, by reason it looked like a Gallows to hang men on; and that after some Time, the said *Husband* was also brought into the said Prison, and that he, this Deponant with others of the Prisoners, pointed at the said Gallows, and shewed it to him the said *Husband*.

And this Deponant further says, he then believed, and does still believe, the said Gallows was fixed there on Purpose to scare if not to hang some of the Prisoners on; and that they were so crowded in the said Prison as that they could scarcely all lay down at once.—And this Deponant further saith, that he, this Deponant, being afterwards sentenced to lay six Months in Prison, [21] a Petition was presented to him to sign,—to the Governor, to procure his Releasment; in which Petition it was represented, that he, this Deponant, had been deluded and drawn into the said Regulation by some others: And this Deponant says, that, on Account it contained such Untruths, he denied signing it;—and after which he, this Deponant, was brought before some of the Governor's Council, who had the said Petition, with this Deponant's Name to it, and they asked him who it was that had deluded him; but that he, this Deponant, told them, he never had consented to, nor signed, the said Petition by reason it represented Things untrue;—and that they asked him if *Hermon Husband* had not deluded him, and administered to him, this Deponant, his Oath.—And that he made Oath accordingly before them, that *Hermon Husband* never did draw him into the said Regulation, but, contrarily, had ever refused to have any Concern therein; and this Deponant further saith not. To all which this Deponant upon his Oath aforesaid declares to be the Truth according to the very best of his Knowledge; and says, so help me God.—Witness my Hand,

WILLIAM BUTLER.

*SWORN to before me the Day and Year first above written,*

*John Low.*<sup>12</sup>

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<sup>12</sup> John Low, justice of the peace for Orange County, sympathized with the Regulators.



*John Pyle's Evidence is as follows, viz.*

ABOUT three Days before *September Court*, 1768, *John Wilcocks*<sup>13</sup> and *Hermon Husband* came to my House.—*Wilcocks* took me aside and said, that *Hermon* had made ready to leave the Country.—I answered him, that the Consequence of flying would be desperate; for I believe he is clear of the Charge laid against him. I [22] have had divers Discourses with the Regulators, who informed me he has no ways joined them. I also talked with him the Morning after he was taken Prisoner; for I out-rid the Companies that were going to relieve him, and found by his Answers he had not joined them above two Miles from Town. I met with one Lett, and asked him what had become of *Hermon*? who said he had been set at Liberty, and had confessed that the Levies were just; and had promised never to give his Neighbours Advice in Publick Affairs.—I passed him, and soon after met *Hermon*, and asked him, what he was taken for? I always understood, says I, that thee has not joined the Regulators. I have not, says he; but the Officers pretend to join that Petition sent to *Maddock's Mill* two Years ago with this late Regulation.—The Regulators, says he, has been often with me to join, but I always refused; and so gave me some particular Reasons for it, one of which was, that if a devouring Vermin came to take his Hens, they must take four or five before he could be provoked enough to shoot it to take its Life; much more to shoot Men.

Now after I had given this Relation to *Wilcocks*, which was all true, I called to *Hermon*, and asked him what his Horse was shod all around for? To take the Mountain, or upper Roads, said he, so as to leave the Province.—I told him that would shew Guilt, forfeit his Estate, and bring his Family to Want.—He said, better so than to be killed; and then my Family be equally brought to Poverty: For when they took me Prisoner, they put me into a Guard-house, contrary to all Law; then removed into the Goal, which I thought was my Safety till I had a Hearing, and so went to sleep; but they then took me out of the Goal, contrary to Law, in the dead of the Night, and tied my Hands behind by Back, and my Feet under the Horse's Belly, then advanced with me some Distance from the Goal, and I be[23]lieve, had it not been for the Scouts bringing News that my Neighbours were after me, I should not have seen Home again; then by giving Bonds, and making some unjust Promises, I was released: But what will release me now; Thousands of Pounds Cost spent, the Town entrenched and fortified, the Prison stockaded, and a Gallows, they tell me, built on Purpose to hang me on, and by all Likelihood without a Hearing, &c.

<sup>13</sup> John Wilcox (spelled Wilcocks by Husband in the *Impartial Relation*) was a storekeeper at Cross Creek (later Fayetteville) who went to Philadelphia twice a year to buy goods. He acted as Husband's agent in buying books and pamphlets, especially such as looked toward or advocated independence. There is a tradition long current in North Carolina that there was some association, possibly of family relationship, between Husband and Benjamin Franklin. Throughout the period of the Regulation there is no likelihood that Franklin corresponded with Husband and sent him political pamphlets of a patriotic nature, as Franklin sailed for England on November 8, 1764, and was gone more than ten years, returning to Philadelphia on May 5, 1775.

In his *Impartial Relation* Husband published several letters from Wilcox, showing that the latter exerted himself to the utmost to aid Husband in 1768. So active had been Wilcox's participation in the Regulation that he was among those excepted from pardon by Tryon in his amnesty proclamation after Alamance. Wilcox was captured by Tryon's forces and carried to Wilmington, where he was released on bail. Presumably he was never brought to trial. In later years he and a brother-Regulator, Joseph McPherson, set up an iron furnace in Chatham County. Cf. H. Husband, *An Impartial Relation*; E. W. Caruthers, *David Caldwell*; *Colonial Records*, *passim*; *Boston Gazette*, August 11, 1771.



I had much more Discourse with Wilcocks; he owned Hermon's Case was desperate, but that he would take Care he should have a Hearing according to Law, for that he was well acquainted with Mr. Ash,<sup>14</sup> a Commanding Officer, and he would get him to take Hermon under his Protection, and see that no Violence should be used to his Person; and to speak to Marmaduke Jones, a Lawyer, who was coming up to speak for the Country, and asked me to go to Town with him, which I did. And we had not been in town above an Hour when Wilcocks took Mr. Ash aside—and I was surrounded in the Street by a Party which I took to be Mr. Ash's Men; when they had blackguarded me, disagreeable to my Age, Principle and Practice, I was accosted by Edmond Fanning.—I informed him of my Errand to Town, which was to employ an Attorney in the Behalf of Hermon Husband.—He accused me, with saying, I intended to come with Cotten and burn the Town, and would prove it by Philip Jackson.

Jackson was called, and says, I did not say so Colonel. Well, what did you say Mr. Jackson. I said, after your Men was in Town, under arms, in order to oppose the stamp act, you received a Letter which advised you, Sir, either to lay down your Commission or not suffer your Men to oppose the King's Laws; and that you judged John Pyle to be the Author of the Letter; and as he was riding along the Street, you called to him to stop, and took hold of his Horse's Bridle and ordered him into your House, or you would take him in. [24] Pyle refused: Then you pulled him Head foremost off his Horse;—And as Pyle paid some Cost in that Affair, now (I said) he intends to have some Satisfaction.

Fanning then ordered me out of the Town. I told him, Transgressors should be brought into Town, and put in Gaol. I look on that Authority which drives me out of your Town to be arbitrary. He then resumed his Countenance and stept towards me, and ordered me to be gone.—I got quite scared, and asked Liberty to get my Horse, and Started off without paying my reckoning. And when I got out of Town, I left the Road, fearing I should be pursued and abused.

In about Twenty Minutes I saw Wilcocks coming; the Usage, as he told me, he recieved I shall not mention; but I asked him what Encouragement we could give Hermon; he said that Ash had promised to receive him some Distance from the Town, and if I would take the lower Road he would take the upper, and try to meet Jones, and some other of his Friends, and wondered that they had not come. So I went, but heard of nor saw none of them.

The Country People was by this Time chiefly gone to Town; so I left Hermon at my House, and followed after them, and never expected to have seen Hermon again; but Wilcocks returned the Night before Court, and found me on the Road in the night, and Hermon was with

<sup>14</sup> John Ashe, born in 1720 in the Albemarle region, was distinguished as orator, resolute leader at Wilmington during the Stamp Act troubles, influential and progressive legislator, and brigadier-general during the Revolution. He served in both of Governor Tryon's campaigns, 1768 and 1771, against the Regulators, with the rank of major general. At Briar Camp, March 3, 1779, during the Revolution, his command, after a brief stand, ignominiously fled before the British advance. A Court of Inquiry, held at Ashe's request, acquitted him of "every imputation of a want of personal courage," but decided that he did not take all necessary precautions to secure his camp and gain intelligence of the enemy's movements. He died under tragic circumstances, due to merciless warfare, in October, 1781. S. A. Ashe, "John Ashe," S. A. Ashe, ed., *Biographical History of North Carolina*, IV, 36-52.



him when I first saw them; all which Relation is just and true, to the best of my knowledge.

*THEN came before me John Pyle, and made Oath that the above and within Writing is true. Proved before me,*

*JACOB BROOKS.<sup>15</sup>*

*April 23, 1770.*

William M'Farson's Evidence is as follows, viz. [25] Some time, before the General Court was held at Hillsborough, in September 1768, a Discourse commonly passed throughout the Country, that Hermon Husband would be there condemned, and put to Death, through a suspicion of being Protector of the Regulators; which was Cause of great Sorrow to me, for I have been well acquainted with him well on to twenty Years, and knew his Principles and Practice to be such, that he was not worthy of Death. When Court come on, my Curiosity led me to leave the Regulators, who was encamped nigh the Town, and endeavour privately to inspect into their Designs.—When I went to the Town, I was taken up by the Guards, and took before an Officer, who gave me Leave to go where I saw fit through any Part of the Town. As I walked along I saw Col. Fanning, who was viewing his Part of the Army, they being in an exercising Form, the Drums beating and Colours flying; and as I drew nigh, the Colonel saw me, and met me in a genteel Manner, and said, well, how do you do Mr. M'Farson. When I answered, he said, well, what Temper is the Regulators in this Morning. I said, the People seems temperate, but they take it hard that thee, and other Gentlemen concerned therein, should offer to touch Hermon Husband's Life. Touch his Life, says he, he must be put to Death. Oh no, Col. Fanning, says I, don't say so; that is hard; its very hard.—He must says he, most surely die, as sure as he is born of a Woman. I considered some Part of the Day whether I should tell Hermon or not what I had heard. At length I told him; who said, well, now I will go off. I waited on him till he mounted his Horse, then rid by his Side discoursing of the matter.—John Wilcocks fell in with us as we left the Regulators camp, and said to him, what, Mr. Husband, you really are a going off. He said, yes, I believe I had best, for if they get me into the Town, they design to [26] hang me.—Then Wilcocks hastily rode on before us, and began to lament in this like Manner; Oh shocking! shocking! my God! I wish I had never been born. Then he stoped his Horse, and was, as I conceived, much in Anguish of spirit; and says, Mr Husband, but will you not stand Trial; for if you don't the Country is ruined, is ruined. Hermon said, do'st think I had better stand Trial? yes, it would be best, yes, Sir, it would, and I will stand by you to the very last. During which Discourse, we had rode near three Milles; when on a sudden Hermon resolved to return with Wilcocks to the Town, and advised me to ride Home, I being then so far on the Way, which I did with a sorrowful Heart. The above Account is just and true, to the best of my Knowledge.

*William M'Farson came before me and proved that the above and within Writing is the Truth. Proved before me,*

*JOAB BROOKS.<sup>15</sup>*

<sup>15</sup> Jacob and Joab Brooks were justices of the peace of Orange County, who were in sympathy with the Regulators.



April 23, 1770.

Stephen Jones's Evidence is as follows, *viz.*

*North-Carolina, Orange County.*

Came Stephen Jones and Acquilla Jones before me, one of his Majesty's Justices for Orange County, and made Oath, that they went at the Request of Hermon Husband to the Superior Court at Hillsborough, in September 1768, when the Governor's Forces were there, to be Evidences for the said Husband on his Trial there, and that they got into Town on Monday Morning; but by the Usage they saw and received, got so scared before Night, that they made their Escape out of Town to run Home, and that the Duty to serve an innocent Man, nor yet the Penalty of Fines, bore no Weight in Comparison of the Danger they apprehended themselves in, [27] and that they never were so scared before, or afraid of loosing their lives, imprisoned, or being ill used, and trusted to their Horses Heels, under God's Mercy, and the Cover of the Night, to escape the Danger, riding as fast as their Horses could hold. Sworn to before me the Day and Year first above written.

JOHN LOW.

He had Evidences also to prove that Nash<sup>16</sup> had agreed to plead the whole Cause of the Regulation in every Court in the Province, which they had not complied with; the reason why their Deficiency herein was not before urged was, that they might plead it themselves, which would strengthen the Proof, for in the Notes there was no Mention of it; but they were too cautious to do this.

There was numbers of other Evidences who were summoned from a Distance, who were Governor's Men at the Time of the Camp, which were to prove the Usage Husband received after they had drove all his Friends from him, such as pushing their Bayonets at his breast, setting him on a Table to make Game of him, and firing a great Gun in his Face, whose Muzzle was directed just over his Head, &c. As also John Wilcock's Evidences was much more material than is set forth in the Case of the said Husband printed heretofore, which Husband either did not know or think of, for they obliged Wilcocks to become counter security for Husband's Appearance, and then frightened him away by Force and as soon as he was gone indited Husband for going into the Regulators Camp, at their own Request, through the said Wilcocks.

What Evidence is already given, we think will convince any Honest Man, that them Bonds or Notes of Husband's was by Duresse, that no

<sup>16</sup> Abner Nash, third son of Colonel John and Anne (Owen) Nash, was born in Virginia, August 8, 1740. Emigrating to North Carolina about 1760, he resided for a short time at Hillsborough where his brother Francis, settled; and then removed to Halifax, Halifax County. He represented that town, 1764-5, and the county 1769-1771, in the Assembly. In 1779 he represented Jones County in the senate, in 1782-5 in the house of commons. While a resident of Craven County, he was elected delegate to all four of the Provincial Congresses of North Carolina. Elected to the Continental Congress in 1778, he declined to serve, conjecturally because of poor health. In 1782 he was again elected to Congress, and served, with but one brief intermission, until his death in New York, December 2, 1786. He achieved the distinction of denunciation by the royalist Governor Josiah Martin who termed Nash "an eminent lawyer, but a most unprincipled character of this country." In 1777 Abner Nash was speaker of the first house of commons of the State of North Carolina; and two years later, following the resignation of Allen Jones, he was again elected speaker. During the most trying period of the Revolution, 1780-1781, he was governor of North Carolina. Archibald Henderson, "Abner Nash," *Durham Herald-Sun*, December 19, 1937.



Man could have withstood; though his Lawyer observed, that it was a Weakness in him to be afraid of his Life; as also others pretended it was a mere Piece of Ridicule to think that a Man of Mr. Hus[28]band's Knowledge in the Laws of England could once conceive his Life to be attempted at, much more in Danger. We shall just give a Paragraph of a Letter from one who busied himself much in such Discourse, which is as follows, *viz.*

I HAVE your Good, Mr. Husband, as well as the Good of the whole County at heart. I shall unbosom myself to you in a Manner I would do to very few concerned. I shall therefore impart to you some of the Knowledge I have gained from the Law-Books,—for writing, copying, carrying about, or dispersing a Libel; and any thing tending to stir up and inflame the Minds of the People to a Dislike to a Government, or even to a single Person, is a libel; the Sentence is Confiscation of goods and chattles, painful Punishment, publick Shame and perpetual Imprisonment.—Mobs and Riots, (that is, where a Number rise without Arms, and only murmur) are Treated generally with Lenity as to the Multitude; though, where the Offence is against Government, the Ring-Leaders are to suffer death without the King's Pardon; but where they take up arms to remove a Grievance, it is expressly said, that whether it be to remove a real or even a pretended Grievance, it is deemed High Treason, and the Punishment is Forfeiture of Goods and Chattles, Lands and Tenements, and the Guilty to suffer the most horrid Death allowed by the English Laws. Something of this I mentioned before, but with some degree of uncertainty, but am convinced since, beyond the Possibility of a Doubt, that the above Account is Truth. However, Sir, I can assure you, with the utmost Confidence, that this Affair, if it stops here, will never be represented by Col. F. to the Governor otherwise than as a Mob, &c.—See page 25 of 1st Part.[29]

A LETTER from *H. Husband* to his Lawyers.

To MR. MILNER,<sup>17</sup>

As thou desired me to send Word from the Assembly whether I moved them Suits to Chancery, this is to inform thee, that we did not meet in Assembly; and as many Lawyers were at our Court, who refused to be employed, I expected that to be the Case among you all.

Besides, as much Money as I have given among you, I am not sensible any of you has yet done me the least Service, though my Cause was the most innocent and just.—So that I may truly say, with the Psalmist,—<sup>18</sup>

High pampered Bulls, a Law train'd Herd  
From divers Counties met,  
With Strength proportioned to their Rage,  
Have me around beset.

<sup>17</sup> James Milner was an aristocrat and a man of culture. Some volumes from his library, which have been preserved, bear an armorial bookplate. He was a prosperous lawyer who lived in Halifax.

<sup>18</sup> Husband's paraphrase is of Psalms, XXII, 12-22:

Many bulls have compassed me: strong  
bulls of Bashan have beset me round.  
They gaped upon me with their mouths,



They gape on me, and every Mouth  
 A yaning Grave appears,  
 Indians Dance, or Bull of Pope,  
 Less dreadful is than theirs;  
 My Strength like Potters Earth is parched,  
 My Tongue cleaves to my Jaws,  
 And to the silent Shades of Death  
 My fainting Soul withdraws.  
 Like Blood-hounds, to surround me, they  
 In pack'd Assemblies meet;  
 They bound my inoffensive Arms,  
 They tied my harmless Feet,  
 Then all my Cash, among them, they  
 For Fees and Costs divide:  
 All my other Estate and Ware,  
 Whose Chance 'twas, Bonds decide.

Abner Nash agreed with me, and promised to Plead the whole Cause of the Regulation all over the Province, according to the Plan draw'd [30] up in the Detail of our Grievances, which I then delivered among you;\* and in particular he was to sue for my Damages, and told me General Warrants were already condemned in England, for we then

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*\*See the first Part as far as that Time.*

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supposed they took me by a General Warrant;† and when I pressed

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*†When the Inditment was traversed the Warrant was called for, but none appeared; and the Judges called Thomas Hart,<sup>19</sup> who arrested Husband, who, upon his Oath said, he had none, knew of none, and believed there was none. The Sheriffs also was called, who Evidenced there was none. We mention this because now they pretend a Warrant can be found.*

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as a ravening and a roaring lion.

I am poured out like water, and all  
 my bones are out of joint: my heart is  
 like wax; it is melted in the midst of  
 my bowels.

My strength is dried up like a pot-  
 sherd; and my tongue cleaveth to my jaws;  
 and thou hast brought me into the dust  
 of death.

For dogs have compassed me; the as-  
 sembly of the wicked have inclosed me:  
 they pierced my hands and my feet.

I may tell all my bones: they look  
 and stare upon me.

They part my garments among them,  
 and cast lots upon my vesture.

But be not thou far from me, O LORD:  
 O my strength, haste thee to help me.

Deliver my soul from the sword; my  
 darling from the power of the dog.

Save me from the lion's mouth: for  
 thou has heard me from the horns of  
 the unicorns.

<sup>19</sup> Thomas Hart was born in Hanover County, Virginia, in the year 1729. About 1757 he, together with his four brothers, John, Benjamin, David, and Nathaniel, his sister Ann, and his widowed mother, Susanna Rice Hart (Mrs. Thomas Hart, Sr.) emigrated to Orange County, North Carolina. Through Earl Granville's agent, Thomas Hart acquired five tracts of land, and his brothers two other tracts; and after 1777, when Caswell County was formed from Orange County, the Hart brothers acquired seven other tracts. Thomas Hart was sheriff of Orange County in 1762 and 1763; and in a day when sheriffs were notoriously dishonest, the records show that he was, as stated, "not a farthing out in his accounts." He held many offices: justice of the peace from 1764 to the outbreak of the Revolution; captain, major, and lieutenant-colonel successively of the county militia; representative in the assembly, 1773 and 1775; delegate to the first Provincial convention; one of the first justices of the peace after



him not to delay, even at the same Court that the Governor was up at, he told me it was better to delay it 'till the next Court, to see if I appeared clear of the Charge, as I had ever informed you I was; which accordingly appeared at the next Court—for I would not have you think I knew no better than to undertake to prove myself clear of the Charge,—it lay on them to prove me guilty: And you must needs know, that had I been conscious of Guilt, I would have been sensible it was dangerous to have undertaken as I did to prove myself clear, which, as soon as I had done, I spoke to Nash to sue for my Damages;—but he excused himself for Fear of incurring the Displeasure of Government, &c.

Now as I heard at the same Time of the Assembly's not meeting, that Nash had got over his Fears, and had a-fresh embarked himself in the Cause of Truth, or the Regulation, as we then called the Cause, it weighed as one Reason with me, among many others, of not applying to Chancery; for it was him that employed thee, because he agreed with me to procure and choose [31] another Attorney who should, for Fifty Pounds, Plead the same universal cause.—So that if you appear for me yet in the Recovery of my damages, it is not possible I can fail of obtaining as much at least as will satisfy your Demands.

This thou art to show to Abner Nash, and speak to him about it.

H————. H————.

May 16, 1770.

Now it appears by this Letter, and it also was at first confessed by the Attornies, that they were to plead this Cause universally for that sum of Money; and the first Court they did so, but at the Close of it, and before next Court came on, it was generally known they had deserted the Cause, by not speaking to it at Halifax, before the Assembly, and at Salisbury. And as they had Husband's Notes of Hand for the Money, and he could not remember, as he was in so much of a Fright, and careless about Property, whether the Evidence to the Notes heard the agreement: This he conceives to be the Reason he was not served with a Declaration; for had they confessed to the agreement, they would become liable to be sued for the Performance of their Bargain.—But we fully believe, that though Husband in his said Letter says, if they would still plead his Cause for the Recovery of his Damages, he could not possibly fail of Recovery, &c. that in that he is much mistaken, and believe he is convinced of it himself before now; for though by our complaining to the Assembly about the picking the Jury, we got thereby something of a more impartial Jury last Court; and they seeing we gained upon them at the Inferior Court, which had the choosing of the Jury for our next Superior Court, the Justices con-

independence was declared, and the first state senator from Orange. He was commissary to Tryon's army in 1768, and was whipped by the rioting Regulators at Hillsborough, September 24, 1770. He owned a mill and a store in Hillsborough, and for a time his partner in the store was Nathaniel Rochester, one of the founders of the city in New York which took his name. Thomas Hart was a full partner in the Transylvania Company, which in 1775 purchased some 20,000,000 acres of land from the Cherokee tribe and founded the colony of Transylvania, the first name of the state of Kentucky. He and Rochester removed to Washington County, Maryland, in 1782 and were partners in business there, setting up a flour mill and a rope and nail manufactory. About 1796 Hart removed with his family to Kentucky, settling in Fayette County near Lexington. His oldest niece, the widow Ann Hart Gooch, was married to Jesse Benton; and these were the parents of Thomas Hart Benton. Thomas Hart's daughter, Lucretia, was married to Henry Clay in 1799. Thomas Hart, who lived to be upwards of eighty years, dying in 1808, was a man of high character, strong intellect, and wide influence. Archibald Henderson, "The Hart Brothers," *Durham Herald-Sun*, October 27, 1935.



cerned took the Advantage to meet early the first Day of Court, and choosed all the Jury themselves to try their [32] own Causes, and choosed mostly Officers concerned; and though the Justices not concerned quarreled with them about it all the next Day, their Case being desperate, they would not give it out: So that our Chance at the Law is entirely at this Time out of the Question, and that particular Horn of the Beast which reigns in our District not to be brought down now by a legal and constitutional manner. But now though Husband's Affair has taken up most of the Subject, yet his is but one among Hundreds. We will give a Copy of one or two more, or the Heads of a few, and so conclude.

The Oath of Thomas Harrington, *viz.*

About the Year 1760, Edmond Fanning borrowed a Mare of me, for which I paid Five Pounds about two Months before he borrowed her of me, near Anson Court-House, for His Boy to ride home on, and promised to return her in three Weeks, or four at the out-side. The Mare not coming for a Year, I sent to him by James Piggot; and he sent me Word to come and pay for Wintering the Mare. About a Year after that, I saw him myself, and asked for my Mare; he threatned, if I did not hold my Tongue, he would Horse-whip me. About three or four Days after, Anthony Huchins brought me a Three Pound Bill, and said Colonel Fanning sent it to me. I said, for what? I hope he don't think I will take that for my Mare.—Huchins said, he did not know; may be he gives you this for the use of her, and will send her to you by and by; you had as good take this, and may be he will make you full Satisfaction hereafter: So I took that Three Pounds. And the March following, I being abused by a certain Person, made my complaint to Colonel Fanning, as King's Attorney, and an Action ensued, upon which I recovered Judgment for Five Pounds Damages; and one Lawyer Dun<sup>20</sup> informed [33] me, he had got the Money, and demanded Col. Fanning's Fee, for which he kept Three Pounds, and paid me

<sup>20</sup> John Dunn, connected on the distaff side with the famous Erskine family, was born about 1730 in Waterford, Ireland. According to tradition educated at Oxford University, on attaining his majority he emigrated to America, landing at Charles Town, South Carolina. After a brief sojourn there, he removed to Rowan and settled in the tiny hamlet of Salisbury, the bounds of which he helped to lay off. He was designated clerk of the court of pleas and quarter sessions in 1753, on the erection of the county in March of that year. This post he held until he became a licensed attorney in 1755. He soon acquired several tracts of land, in and out of town, one of which included a large mountain which to this day bears his name. For twenty years he was a prominent barrister in Salisbury, with William Kennon as his sole rival for supremacy.

In August, 1774, he signed a paper prepared by Benjamin Booth Boote, which was a protest against the actions of the patriots in Boston "in opposition to the British acts of parliament touching tea," etc. At the first meeting of the Rowan Committee of Safety, under the chairmanship of William Kennon, Boote's paper was ordered to be posted between the gallows and the whipping post, "to demonstrate the contempt in which the committee hold the authors of so infamous a performance."

About June 3, 1775, when Captain James Jack traveling express to Philadelphia, stopped in Salisbury, the Mecklenburg Resolves of May 31 preceding were read by their presumed author, Colonel William Kennon, in open court, presided over by Judge Alexander Martin. Boote and Dunn pronounced the paper treasonable and declared that the bearer should be detained. At the meeting of the Rowan Committee of Safety, July 18, 1775, Boote was charged with receiving letters from Governor Josiah Martin, of the same tenor as his fiery proclamation of June 16 preceding. In conjunction with representatives of the Mecklenburg Committee of Safety, William Kennon and Adlai Osborne, formerly chairman and secretary, respectively, of the Rowan Committee of Safety, arrested Boote and Dunn on July 31, 1775, and carried them to Charlotte. Later the prisoners were carried to Camden, South Carolina; and, upon receiving the sentence of the South Carolina Provincial Congress, were incarcerated in Charles Town. After prolonged efforts and many petitions to the authorities in both North Carolina and South Carolina, they were released; and on August 8, 1777, both took the oath of expurgation for disaffected or suspected persons.

From this date Dunn's loyalty was no longer questioned, and he resumed his former position as leading attorney in Salisbury. Soon afterwards he became State's Attorney for Rowan County. On



Forty Shillings only. After this, some Time, I saw Colonel Fanning, and told him I had paid Dunn Three Pounds for his Fee in such an Action, &c. Fanning said, it is well enough.—He being then in the Governor's company, &c. I did not ask him for my Mare. In May, 1769, I asked him (being afraid of affronting him) in these like words, *viz.* Col. Fanning, you know how Times has been: I am travelling, and would be glad you could help me to some Money. He made no Reply, but ordered his Attendance to make a Bowl of Grog; and the boy gave it to me, and Col. Fanning walked off. I said, Col. Fanning, are you going off so: Won't you stay to talk no more to me? He said, I am coming back directly. I waited some Time, when the Clerk said, he was not coming back that night. Then I followed him, and found him among company, and civilly called him to the Door; but he never regarded me. Then I said he was a Villain; or something like it;—and in a few Minutes one Lion came, and arrested me for Four Pounds odd, on Account of Col. Fanning, and put me in Prison, where I lay from Saturday till Monday, and then gave Bail, and appeared accordingly at Court, when my Bail gave me up; and I was put into prison and never was brought before the Court; but after Court the Jaylor told me, Col. Fanning said he had got Judgment against me for the Debt. I told the Jaylor, I was not worth Forty Shillings, and could pay nothing, and prayed for the Benefit of the Act of Assembly; and it was about fifteen Days before I was let out to the Bounds, and stayed there seven Days more before I was released by the Law.

*Orange, ss.* This Day Thomas Harrington appeared personally before me [34] one of his Majesty's Justices in the said County, and made Oath on the Holy Evangelists of Almighty God, that about eight or nine Years ago he lent a Mare to Col. Edmond Fanning, to the Value of Five Pounds, and makes Oath to this, with the within Contents of his Paper. Sworn before me this 26th Day of August, 1769.

JOHN M'GEE.

John M'Vay's Oath, *viz.*

John M'Vay, of Orange County, and Province of North-Carolina, deposeth and saith, That one Crumby, a Sub-sheriff, under Dunn, High-sheriff, came to his House in the Year 1765, and took eight large prime Deer-skins, which he, the Deponant, saith was to the Value of between Four and Five Pounds, and carried them away for one Levey. The Deponant carried the Money to redeem the Skins the next Day, with the Distress-money, and offered it before several Evidences; but he would not let him have the Skins, nor never has given him any Satisfaction for them.—The Sheriff's Name complained against is Charles Appa Crumby.

*THE above Deposition Sworn to by John M'Vay, Deponant, before me,*  
WILLIAM THOMSON.

August 8, 1781, Adlai Osborne, John Dunn, and Matthew Troy were appointed commissioners to repair the courthouse in Salisbury. John Dunn died early in 1783, letters of administration on his estate being issued on March 25 of that year. He was buried at his country place, some three miles from Salisbury. Archibald Henderson, "William Kennon," *Durham Herald-Sun*, September 15 and 29, 1935; Jethro Rumble, *Rowan County*.



May 14, 1768.

The Levy was generally Ten or Twelve Shillings.

Daniel Smith's Case, viz, He produced a Receipt thus,—

Received of William Adams, November 11—1766, Eleven Pounds, Eleven Shillings and [35] Nine-pence, in full Satisfaction for the Debt and Fees on the Exe.—Elwick against Daniel Smith,

CHARLES BRUCE.

On the Back of which Receipt he made Oath as follows, viz.

May 21, 1768.

This Day he personally appeared before William Thompson, one of his Majesty's Justices of the Peace, and made Oath, That after he had paid the within, there came another Sheriff, named Abraham Glenn, and served an Execution for the same Cost and Charges, for which he was obliged to give his Bond and Security. Sworn to before me,

WILLIAM THOMPSON.

Things of which Kind are out of Number.

Next we will just give a Sketch of the Bills of Costs, viz.

William Few, <sup>21</sup> had six Actions for trifling Differences and Debts,			
one of which was discontinued; the Bill of Cost was			£ 8 13 0
Second Verdict, for	£ 1 19 8,	Debt & Cost,	9 18 1
Third Verdict, for	7 0 0,	Do. & Do.	21 1 0
Fourth Verdict, for	0 13 4,	Do. & Do.	7 5 4
Fifth Verdict, for	1 1 2,	Do. & Do.	11 4 6
Sixth Verdict, for	0 0 0	Cost,	13 6 5
<hr/>			
£10 15 0			£ 71 8 4
			10 15 0
			<hr/>
			£ 60 13 4

<sup>21</sup> William Few, Sr., born in Pennsylvania about 1709, removed to Maryland as a young man, settling in Baltimore County. In 1758, accompanied by his whole family, he emigrated to North Carolina. Here he settled on a tract of 640 acres of land, some seven miles east of Childsburg, Orange County, which tract he purchased from James Taylor. In conjunction with his brother James, William Few erected a saw and grist mill upon Eno River. In 1764 he purchased what was afterwards known as the "Kirkland place," a plantation of some 200 acres one mile east of Childsburg and removed thither with his family. In 1767 he purchased a tract of land on Little River.

William Few was a man of education and substance, highly regarded in the community. He kept a tavern at his house and was several times foreman of the county court grand jury. He was sympathetic with the reforms for which the Regulators were agitating; but he took no part in the agitations themselves. It is noteworthy that he, and John Butler, who was opposed to the Regulation, at the September court, 1768, went on the bond of the latter's brother, William, one of the most active of the Regulators.

As the result of going surety for several persons, William Few became entangled in law suits in 1769 and 1770. Judgments against him compelled him to sell a large part of his property to meet them. He himself removed with his family to Georgia in 1771; and left to his son, William, Jr. (born June 8, 1748), the settlement of his estate. Following the battle of Alamance and the disgraceful execution of his son, James, a religious zealot, William Few suffered the disaster of having his crops of wheat, barley, and oats devoured by the horses of Tryon's army, and trampled down and ruined, a punishment devised by the governor for the father and family of James Few. On June 27, 1770, William Few conveyed the Kirkland place to John Butler, then sheriff; and he in turn conveyed this tract to the Scotch merchant, Ralph MacNair, on July 23, 1771. To make up for Tryon's vindictive seizure of his crops, Few was later amply compensated for his losses by the colonial assembly.

In his *Atticus* letter Maurice Moore denounces Tryon for the execution of James Few, who he says was "in a state of insanity," and for his cruel treatment of William Few and family. "The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this



So that in recovering Ten Pounds, Fifteen Shillings, the Costs is Sixty Pounds, Thirteen Shillings and Four-pence.

We have had many Men as able as Hermon Husband quite ruined within these few Years, such as Dowell, Tapley, &c. and Hundreds of others [36] of smaller Circumstances, that it becomes thus necessary to lay the Case before the Publick, but more particularly before our own Assembly, that they may fall on some other Method of choosing Juries, and that all their Constituents, with the joint Assistance of all America, may lay their Shoulders to the Work heartily, for the Law never was designed to be such an intolerable Expence and Perplexity to the industrious Farmers and Planters.

In the Cape-Fear Mercury, July 11, 1770, is an Extract of a Letter, from a Gentleman in New-York to his Friend in Boston, *viz.*

"THE Concurrence of the several Branches of the Legislature of North-Carolina to an Establishment for an Agent at the Court of G.———t. B.———n. Has given great Uneasiness to all the true Friends of America here, who have adverted to it. This is an Affair I make no Doubt but you have observed the Ministry assiduously labouring to accomplish; and doubtless it is to answer some very gracious Purposes. Their Creatures, in the Aff——es, will be for appointing such Tools as their Patrons shall dictate, and the Councils, in most Colonies, holding their Places during Pleasure, will rarely oppose a Ministerial Choice. The G——s we see daily are either *Plus* or *Minus*, as the Electricians say, *i. e.* as they are charged; considering all which, and that the Concurrence of the whole Legislature is necessary to constitute an Agent, it is easier to imagine than describe what Sort of Animals will appear in that Character. Should such unpropitious Establishments obtain universally throughout the Colonies, may not these instruments of Thralldom be convenient Media of virtual Representation? Nay, may they not be said to be actual Representatives when thus legally constituted; and if Seats should be [37] offered them in the House of Commons, how would their Friends here stickle for the wished for Consumation?

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task was reserved for his unhappy parents. Your vengeance, sir, in this instance, it seems, moved in a retrograde direction to that proposed in the second commandment against idolaters; you visited the sins of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction, with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favour of them, and unrelentingly destroy, as far as you could, the means of their future existence? It was cruel, sir, and unworthy a soldier."

William Few, Jr. remained in North Carolina until the autumn of 1776 when he rejoined the family in Georgia. "I was among the first," he records in his Autobiography, "who proposed to raise an independent company of infantry in the town of Hillsborough. About twenty young men came promptly into the measure. We enrolled ourselves, chose our officers, purchased arms and uniforms, and an old British corporal was employed to teach us the manual exercise. In 1776 the convention of North Carolina convened at Hillsborough, which was composed of the most respectable of men of the State. There I first learned the principles of our controversy with Great Britain, and began to think on politics. This convention resolved to raise two regiments of continental troops, and the greatest part of our little independent company were appointed officers. I was then offered the commission of Captain, but other engagements prevented my acceptance."

The three brothers, Benjamin, William, and Ignatius, all became distinguished citizens of Georgia. William Few had a remarkable career, as soldier, lawyer, judge, banker, alderman, Congressman, and senator, in both Georgia and New York. See "Memorial of William Few, containing his autobiography," in *Magazine of American History*, VII (November, 1881), 340-358; Maurice Moore, *Atticus letter*, *Virginia Gazette*, November 7, 1771; *Colonial Records*, VIII, 615, 751; XIX, 846; *Biographical Directory of the American Congress, 1774-1927*; Frank Nash, *Hillsboro, Colonial and Revolutionary* M. Del. Haywood, *Governor William Tryon*.



The Answer. "A Completion of this Scheme would render the Government of the Colonies meerly Ministerial indeed. We well remember who were lately constituted of his M———s C———l, in the government above recited! However, Sir, the Plan in Question has no Chance for Universality, as it had been pushed to the uttermost in this Colony by the head Ingineer of the Forces, and miscarried."

This Paragraph has just come to our Hand's; and we blush with Shame at our Conduct. But as we aim at nothing but real Truth and Honesty, the truth itself will, we hope, make some appology to our Sister Colonies in our Behalf.

As we said before, in the Beginning of this work, that it takes a considerable Time when a People is under Oppression to find out the true Causes, as you may see in Page 1, 2, &c. which was written before this came to our Hand.—Now we had found ourselves betrayed by our former Assemblies, in which our Governor observes insolvent Sheriffs, Treasurers and their Securities, could command a Majority. We had taken a good deal of Pains to put in a new Assembly: Such Part of it as was new, we only appologise for. We imagine there was near forty Colts in the House, that were undock'd at the Time that Affair was transacted.—Men coming out of a Lethargy of Security, is like Men awaking out of Sleep; though they have a true Feeling, their Senses are scattered;—And the Animal that the Gentleman hints at in his letter was so disagreeable, and affected their Feeling so much, that what little Sense they could so suddenly collect was wholly taken up in opposing of him, while the Completion of the Scheme escaped their Attention, though not their Feeling; for before they [38] all got to their own Homes, the Scheme itself was discoursed over with Regret, and Resolutions formed, that at the next Sitting the first Motion should be for a Resolve against the Scheme for the future.

We have heard it objected, that it would be Dangerous to leave all the Lawyers out of our Assemblies, lest the Court Party should be able to steal all our Privileges from an ignorant or unexperienced Assembly. So far of the Objection is true, that such old experienced members as have been true to the Interest of their County, by all Means keep in, and such Men as have studied the Law from a Motive purely for the Good of their Country; but such as have studied and learnt the Law for Gain, it is contrary to Nature and their Interest to preserve our Liberties as they ought to be Preserved.—But there were Lawyers in the House at that time plenty, who had been old Members, and if it should be said they were missed because some of their Brethren had been left out; we answer, that any Man who would give away the cause of the Publick for ever so great Affronts, especially while he holds the Trust, cannot be safely trusted with it. We well remember, in our County, one of the Court Party, when he saw the Election was like to go hard with them, he pretended to be convinced, and that he had discovered so much Roguery used, that out of pure Zeal to bring it to Light, and detect it, he made Interest to go Representative himself; and by this he gained and carried a considerable Pole. And after he had lost his Election, some honest Men who had been drawn over, was lamenting the Loss, because he knew and could have brought so



much Roguery to light.—Then we observed to them, that if their Candidate had a true Principle, he would work some on Credit if he had the Good of his Country really at Heart; though he could not go himself, he would lead and inform them who had gone to do what he [39] intended to do; and this is a true Mark: For we would not be understood to exclude a Lawyer, if he really has the Good of the Public at Heart. We might, perhaps, have took more Pains to have distinguished between good and bad Lawyers; but as there is little Danger of affronting a good one, we leave them to distinguish themselves; and return our Thanks to the New-York and Boston Gentlemen, and have the Pleasure to assure them, every one of our Enemies here are utter Enemies to WILKES,<sup>22</sup> and the Cause of Liberty; we mean in our own County; for out of it we may be evil spoken of, (by means of false Representations) by good Men.

From the  
REGULATORS.

<sup>22</sup> John Wilkes, English agitator and reformer, was born in St. John's Square, Clerkenwell. In politics he was a stormy petrel, at a time when bribery and corruption were matters of course. So violent were his assaults upon Lord Bute that they eventuated in sweeping Bute from office, March 8, 1763. In the famous "No. 45" of his newspaper, the *North Briton*, Wilkes charged that certain statements in the King's speech were false. The King instituted proceedings against Wilkes under a "general warrant"; and although Wilkes was arrested and thrown in the Tower, he was soon released, as the illegality of general warrants was established.

After being expelled from the House of Commons and outlawed, Wilkes withdrew to the Continent where he remained for four years. On returning to London, he stood for parliament and surrendered to his outlawry. He was fined £500 and sentenced to a year in jail; and this martyrdom, for he had been elected M. P. by a heavy majority on March 28, 1768, gave him immense popularity. On his release from prison, he was re-elected by the Middlesex electors and once more expelled. Again Wilkes ran and overwhelmingly defeated Luttrell, his opponent; but the outraged Commons actually seated Luttrell.

From this time forward Wilkes became the champion of the people, in particular of the artisans and lower middle class who bitterly resented disfranchisement. One of the chief planks in his platform was the defence of individual liberty against Ministerial or Parliamentary attack. It is known, although the facts have not yet been fully disclosed, that Wilkes entered into relations with the discontented groups in the American colonies who opposed the Stamp Act; and he is thought to have inspired some of their most aggressive actions. Indeed he is credited with having been the English representative of the Boston "Sons of Liberty."

The Regulators looked upon themselves as the logical successors of the Sons of Liberty, in opposing British tyranny and governmental corruption. The call of the Sandy Creek Association, August, 1766, to meet at Maddock's Mill, on October 10 following, heralded the "peasant uprising." This call begins: "... Whereas that great good may come of this great designed Evil the Stamp Law while the Sons of Liberty withstood the Lords in Parliament in behalf of true Liberty let not Officers under them carry on unjust Oppression in our own Province". . . ; and, in closing, uses these words, expressive of a thoroughly realistic facing of fact: "For take this as a Maxim that while Men are Men though you should see all those Sons of Liberty (Who has just now redeemed us from Tyranny) set in Offices and Vested with Power they would soon corrupt again and oppress if they were not called upon to give an Account of their Stewardship." See *Colonial Records*, VII, 249-250; and Husband, *An Impartial Relation*, 9-11. The gratitude of Revolutionary patriots of North Carolina to John Wilkes was evidenced by the naming of a county for him just one year after the outbreak of the American Revolution. For Wilkes, consult Horace Bleackley, *John Wilkes*. The activities of mobs, banded together to resist the operation of the Stamp Act, began in Massachusetts, August 14, 1765. The term, "Sons of Liberty," for these bold groups, often riotous in character, did not come into general use until November or December, 1765. It is interesting to note that John Ashe, one of the leaders of the Sons of Liberty in Wilmington, North Carolina, served under Tryon against the Regulators in the campaigns of 1768 and 1771 with the rank of major-general. An especial object of the resentment of the Sons of Liberty in Rhode Island was Martin Howard who in 1765 wrote in defence of the right of the British parliament to tax the American colonies. Martin's two pamphlets were provoked by the pamphlet of Governor Hopkins of Rhode Island, entitled *The Rights of Colonies Examined*; and bore the titles: *Letter from a gentleman at Halifax to his friend in Rhode-Island, containing Remarks upon a pamphlet entitled, The Rights of colonies examined* (Newport, 1765), and *A defence of the Letter from a gentleman at Halifax to his friend in Rhode-Island* (Newport, 1765). On August 27, 1765, a mob marched through the streets bearing effigies of Augustus Johnston, attorney-general, Dr. Thomas Moffatt, and Martin Howard, eminent lawyer; and these effigies, each with a halter around the neck, were suspended on the public gallows. In the evening they were cut down and burned in the presence of cheering thousands. The next day plundering and burning began; and Howard's house was destroyed. Martin Howard received his appointment as chief justice of the province of North Carolina (July 26, 1766) in partial compensation for his losses. There is a note of ironic comedy in the circumstance that Howard, the especial object of the vindictive wrath of the Rhode Island Sons of Liberty, was regarded as the true friend of the North Carolina Regulators, who looked upon themselves as the spiritual heirs of the Sons of Liberty. Philip G. Davidson, "Sons of Liberty and Stamp Men," *North Carolina Historical Review*, IX (January, 1932) 38-56; *Boston Gazette*, September 2, 1765; Husband, *Impartial Relation*, pp. 71-72; Archibald Henderson, "Martin Howard," *Winston-Salem Journal and Sentinel*, March 17, 1935; *North Carolina Gazette*, November 20, 1765; *Colonial Records*, VII, 123 ff, 198; X, 98.



## BOOK REVIEWS

THE NEGRO IN NORTH CAROLINA POLITICS SINCE RECONSTRUCTION. By William A. Mabry. HISTORICAL PAPERS OF THE TRINITY COLLEGE HISTORICAL SOCIETY, SERIES XXIII. (Durham, N. C.: Duke University Press. Pp. vii, 87. \$1.00.)

The Negro's part in North Carolina political history since Reconstruction follows pretty generally the pattern familiar in all Southern states. There were first, his subjugation by the "Redeemers" through intimidation, fraud, and gerrymandering; second, his unsuccessful alliance with an independent white party in the 'eighties; third, his cooperation with the Populist party in the 'nineties; finally, disfranchisement and political proscription by constitutional devices near the turn of the century. Divergencies from the usual pattern that make the Carolina story exceptional are: an industrialist, rather than the usual agrarian, leadership of the independent effort of the 'eighties; a more successful cooperation with the Populists than obtained in any other state, a success that put the Fusionists in power for four years and placed many Negroes in political office; and finally, more than usual violence accompanying disfranchisement around 1898-1900. Both the conformity and the exception to the usual story of racial politics make the North Carolina example worth studying.

By careful use of the Russell, the Butler, and the Waddell manuscript collections at Chapel Hill, the Simmons collection at Duke, and the rich and growing library of memoirs and biography of the period, Mr. Mabry has put together a valuable monograph. Nothing startling in the way of fresh interpretation and originality of insight emerges from the study, and the Populist part of the story will never be complete until the Marion Butler papers at Chapel Hill are a great deal more available than they are now. Also one wishes, considering the competence of the work produced, that the author had attempted to give the political skeleton its flesh and blood of social and economic life — as H. M. Bond did under the modest and under-stated title, *Negro Education in Alabama*. Still, one has no right to complain of an author's failure to do something which he has not attempted to do and which his title does not necessitate. The monograph does revise in a general way the complacent account of "White Supremacy" politics that has passed for the history of the period up to the present. The reviewer,



for one, feels greatly indebted to Mr. Mabry for this clarifying study of a too-much neglected period.

C. VANN WOODWARD.

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CLAREMONT, CALIFORNIA.

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JEFFERSONIAN DEMOCRACY IN SOUTH CAROLINA. By John Harold Wolfe. (Chapel Hill: The University of North Carolina Press, 1940. Pp. xi, 308. \$2.50.)

This volume by John Harold Wolfe, professor of history in Appalachian State Teachers College, fills a real need in the historical writing of South Carolina. The greater interest attached to the Revolutionary period and to the Nullification struggle has tended to leave the history of the State between our two wars with Great Britain a comparatively unexplored field, especially as far as monographic material is concerned. Examining with care a large amount of material, both published and unpublished, Professor Wolfe has endeavored to portray the political history of South Carolina throughout the period in which Federalist and Republican ideas were struggling for dominance. The State's part in and her reaction to national events are stressed, but the course of development within the State is not neglected.

In view of the generally accepted dominance of the Charleston and low-country aristocracy in state politics down to the legislative reapportionment of 1808, it might be taken for granted that South Carolina would exhibit an unswerving devotion to the cause of Hamiltonian Federalism and that the political terrain of this State would not be debatable ground. This is exactly what the author does not take for granted. After two chapters of general background he takes up the "Republican Beginnings" of the 1790's and poses the question (page 40): "Did the Federalists control politics in the state during the 1790's and the most cultivated social groups even later?" The remainder of the book is an effort (successful, in the main) to give a negative answer to this question. During the 1790's the author finds political control fairly evenly divided between Republicans and Federalists, with the Republicans winning in 1796 and then a slight swing toward Federalism in 1798 as a result of the difficulties with France. In this respect there is a parallel with North Carolina political history. After 1800



the Republicans are found to be in almost complete control as far as national elections are concerned: "During the entire first decade of Jeffersonian control, 1801-1810, both of the South Carolina senators and a majority of her representatives had been Republican. Indeed, during the second half of the decade she did not send a Federalist to either house of Congress" (page 242). In 1812 and 1814, however, Benjamin Huger, a Federalist from the Georgetown District, was elected to the lower house of Congress. The author, moreover, does not fail to mention Federalist successes in gaining control of the city government of Charleston. The concluding chapter gives a good portrayal of South Carolina's enthusiasm, both in and out of the halls of Congress, for the War of 1812.

In reaching his conclusions Professor Wolfe does not hesitate to differ "with the findings of so respected a historian as the late Professor U. B. Phillips and others" (Preface, page viii; pages 40-41, 63-65, 138-139), both as to the dominance of Federalists in South Carolina politics and as to an appraisal of the character and services of Charles Pinckney, long the leader of the Republican forces in South Carolina. In the latter case conflicting evidence is carefully examined, although the author usually tends to give Charles Pinckney the benefit of the doubt.

It is unfortunate for the general value of his book that the author did not choose to give a more adequate background for other Jeffersonian leaders and followers. The reader is nearly always left uninformed as to their economic and social status and he is not often told from what section of the State they came. One would like to know what class and what section of the State contributed the greater portion of Jeffersonian leaders and also what type of Charlestonians espoused the cause of democracy. Thomas Lehre is mentioned twenty-five times (twice in the body of the book and twenty-three times in the footnotes) and he appears at times to have been in almost daily correspondence with Jefferson or with Madison, and yet no further information is given about him than that he was a Republican leader of Charleston and sometimes a member of the state legislature. The same observation might be made about John Hunter, once United States Senator, and about many others. At no place in the book is an explanation of South Carolina congressional districts given and only rarely is it told from



what section of the State a representative came. In view of the author's generally excellent topical divisions and subdivisions it is to be regretted that he did not devote a separate section to the influence of the press in the political struggles of the time. No mention is made of the establishment of *Miller's Weekly Messenger* at Pendleton early in 1807, the first paper of the up-country and a Jeffersonian organ.

A few minor errors are evident. It is implied on page 5 that all South Carolina Germans came from states to the northward and on page 83 the name of the British Minister of Foreign Affairs is erroneously given as Greenville. These errors, however, detract but little from a work for which students of South Carolina history will be grateful.

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FOREIGNERS IN THE CONFEDERACY. By Ella Lonn. (Chapel Hill: The University of North Carolina Press. 1940. Pp. xi, 566. \$5.00.)

This record of the services rendered to the Confederate States of America by foreigners and by foreign-born citizens will take rank as one of the foremost contributions to the mounting volume of revisionist literature in that field of American history. In it we have presented, for the first time, an adequate appraisal of the importance of a large segment of the Southern population. It might not be too much to say that, for the first time, we have been told of its existence; and the telling has shattered some venerable traditions.

Foreign immigration into the United States during the two decades preceding the Civil War did not go entirely to the free states. In 1860 the foreign-born in Mobile constituted twenty-five per cent of the white population, in Charleston thirty per cent, in Savannah thirty-three per cent, in New Orleans forty per cent, in Memphis forty-two per cent. There were 3,263 Irish in Charleston, 3,100 in Savannah, 4,100 in Memphis. In New Orleans there were 24,398 Irish, 19,752 Germans, and 10,564 French. There were 43,464 Irish and 88,487 Germans in Arkansas. Ten per cent of the people in Texas were born under a foreign



flag. Many races were represented among the 250,000 foreign-born in the Confederate States with Irish, German, French, and English predominating. They were slave-holding planters, merchants, professional men, skilled craftsmen, and unskilled workers.

Having discussed the geographical distribution of the several racial groups in her first chapter, Miss Lonn then traces their relationship to every aspect of the intersectional conflict. There is an excellent chapter on their divergent and changing attitudes toward slavery and secession; there are long accounts of the prominent military and civil officials under the Confederacy; and there is a chapter on military companies of foreign-born and one on foreign-born adventurers. The array of such prominent men is imposing: cabinet members Benjamin, Memminger, and Mallory; diplomats and special commissioners Henry Hotze, Father John Bannon, Reverend Patrick N. Lynch, and John A. Quintero; officers Patrick R. Cleburne, Prince de Polignac, Heros von Borcke, and a host of others; and entire companies of French, Polish, Italian, Spanish, and Irish troops, including the famous German Fusiliers of Charleston, the Emerald Guards of Mobile, and the Louisiana Zouaves.

Finally, there are three outstanding chapters dealing with the contributions of the foreign-born in special fields of military service such as engineering, secret service, ordnance, and medicine; with foreigners of distinction as teachers in schools and colleges, as business men, and as manufacturers; and with Confederate legislation and diplomatic conversations respecting foreigners in particular reference to citizenship and conscription.

It is a remarkable book, excellently documented, containing a splendid bibliography, and, considering the enormous quantity of facts and statistics presented, written with a pleasing style that excites admiration.

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FREEDOM OF THOUGHT IN THE OLD SOUTH. By Clement Eaton. (Durham: Duke University Press. 1940. Pp. xix, 343. \$3.00.)

In this volume, which won him the Centennial Prize offered by the Duke University Press for a scholarly manu-



script in the field of social, literary, or artistic history of the United States, Professor Eaton has combined sound scholarship with a high degree of literary and artistic skill. The result is one of the most stimulating and valuable works on the ante-bellum South to appear in recent years. It is an extensive and intensive study of intellectual activity of the Old South. It examines the trammels which, from time to time, prevented that section from preserving the freedom of thought so loudly championed by its leaders in the colonial and early national period.

As long as the aristocrats were the leaders in the Old South, liberal views were, with very few exceptions, expressed by whomever held them and wherever they pleased. The deism of John Randolph of Williamsburg, the cosmopolitanism of William R. Davie, the advanced views of Thomas Jefferson on almost every social and political question, and the anti-slavery views of many of the revolutionary leaders were allowed to develop within these individuals. They could, moreover, express them in the press and from the platform, if they so desired. These liberals of what Professor Eaton has aptly called the Jeffersonian phase of Southern history refused to be bound to their section or to their country by narrow points of view. "The Revolution had shaken them out of petty concerns and the routine of plantation life into a world of spacious ideas." This, together with the education of many abroad and the declining profitability of slavery, made it possible for tolerance to characterize the actions of the men of the period.

Professor Eaton is concerned much more, however, with the *decline* of liberalism, which coincides with the increasing entrenchment of the slave system, the attack on it by the abolitionists, and the fear on the part of the powerful minority—the slaveholders—that the status quo might be upset. In a provoking, yet convincing, statement, the author declares, "The rise of the common man to political power as symbolized by the election of the uneducated Andrew Jackson to the presidency was undoubtedly a threat to freedom of thought and expression." With Hamiltonian insight, Professor Eaton asserts, "The essence of preserving freedom of thought is the protection of minority rights—the safeguarding of the right to express opinions odious to the majority."



The emergence of Calhoun and the others who looked upon slavery as a "positive good" sounded the death knell for freedom of thought in the Old South. While there were those who insisted on retaining individual points of view—"free lances," the author calls them—they did so at their own risk. And, of course, their lot was not always a happy one. The powerful minority began skilfully to manipulate pressure groups and to sway the common man by propaganda so that the loudest acclaimers of the status quo were those who did not enjoy whatever fruits there were to be derived.

By the time of the period of storm and stress, reason had disappeared from religion, the economic shortcomings of slavery had been virtually overlooked, and the South had constructed an "intellectual blockade" around itself. This intellectual self-sufficiency served at once to stifle realism and to preserve an outmoded and impractical romanticism that did little more than to dispell what vestiges of freedom of thought there were. The South had been thrown on the defensive. Its policy came to be that of holding fast to those ways of life that had become most dear. Professor Eaton concludes: "The Southerners of the ante-bellum period preferred the old patterns of life, the path of conservatism . . . . But sectionalism, the lack of European contacts, a puritanical religious background, the influence of slavery, intensified the distaste for radicalism or utopian experiments . . . . The bitter feeling of sectionalism continued to grow, exacerbated by politicians, fire-eaters, and anti-slavery crusaders, until an intellectual blockade was set up by the South not only against abolitionism, but also against many associated isms that were destined to triumph in the future."

*Freedom of Thought in the Old South* is more than the title suggests. It is an intellectual and, to a considerable extent, a cultural history of the Old South for the period from 1790 to 1860. Its discussion of life and letters, its analysis of legal and political problems, and its timeliness make it a book well worth reading. One gets the impression, at times, that the author labors at an unnecessary length in describing conditions in the South that have come to be well known to a great many. Few, if any, now believe that all masters lived in beautiful white houses or that the large slaveholders were more than a small portion of the popula-



tion. Yet a considerable portion of the first two chapters deals with these wellknown facts. The author does not seem to have had the opportunity to examine Carroll's *Slave Insurrections in the United States*. There are times, moreover, when the author is retracing steps made familiar by Virginius Dabney in his *Liberalism in the South*. Nevertheless, it is a remarkable synthesis, based on extensive original research. New fields have been explored, and old ones have been more carefully examined. This is, indeed, an outstanding contribution to the literature of the antebellum South.

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## HISTORICAL NEWS

A memorial to the late Captain Samuel A'Court Ashe, historian of North Carolina, was unveiled in Capitol Square, Raleigh, September 13. Mr. George Gordon Battle of New York delivered the principal address.

The Decendants of Adam Spach held their biennial reunion at Friedberg Moravian Church, nine miles south of Winston-Salem, on October 20.

The North Carolina Society, Daughters of the American Colonists, unveiled in the State Capitol in Raleigh, October 24, a tablet in memory of Virginia Dare, first child born of English parents in the New World. Dr. C. C. Crittenden delivered the principal address.

The Cape Fear Valley Scottish Festival was held at Fayetteville, October 14-November 2. Paul Green's historical drama, "The Highland Call," was staged for a three weeks' run.

The Society of Daughters of Colonial Wars of North Carolina unveiled at Statesville, November 11, a marker to Fort Dobbs, erected in the 1750's as an outpost against the Indians.

The annual meeting of the North Carolina Archaeological Society was held in Charlotte, November 23. Papers were read by Professors Robert Wauchope and Guy B. Johnson of the University of North Carolina, Professor Douglas Jeter of Davidson College, and Reverend Douglas L. Rights of Winston-Salem. Professor Johnson was elected president for the year 1940-41.

On November 24 Shaw University, Negro institution of Raleigh, celebrated the seventy-fifth anniversary of its founding, with exercises in the city auditorium. Mr. J. Melville Broughton, governor-elect of North Carolina, delivered the principal address.

The State Literary and Historical Association, the Folk-Lore Society, the State Art Society, and the Society for the



Preservation of Antiquities (each a North Carolina State-wide organization) held their annual meetings in Raleigh, December 4-6. The fortieth annual session of the State Literary and Historical Association took place at the Sir Walter Hotel, Thursday and Friday, December 5-6. On Thursday evening Mrs. Edith Taylor Earnshaw of Wake Forest read selections from her own poems and Mr. Struthers Burt of Southern Pines delivered the presidential address. A reception to members and guests of the Association and allied societies was then held. At the Friday morning session Mr. William T. Polk of Warrenton presided over a discussion of "A Program of Library Development for North Carolina," during which Dr. Robert B. House of Chapel Hill spoke on "Straws in the Wind" and Miss Marianne R. Martin of Leaksville spoke on "A North Carolina County Library." Afterward Dr. Archibald Henderson of Chapel Hill reviewed North Carolina books of the year and a business meeting was held. The final meeting took place Friday night in the Hugh Morson High School auditorium. Mr. Macon R. Dunnagan of Raleigh announced that the winner of the Mayflower Cup award was Mr. David Cohn of Yanceyville, whose book, *The Good Old Days*, had been adjudged the best original work by a resident North Carolinian published during the year ending August 31. Dr. Robert D. W. Connor of Washington, D. C., Archivist of the United States, then delivered an address, "The Use and Abuse of History."

The twenty-ninth annual session of the North Carolina Folk-Lore Society was held at the Sir Walter Hotel, December 6, with the following program: presidential address, "Shakespeare and North Carolina Folk-Lore," Dr. George P. Wilson, Greensboro; "Chinese Folk Remedies," Mrs. Minnie B. Hussey, Greensboro; singing of folk songs, Mr. and Mrs. James York, Farmington; "Tales of Witches and Ghosts," playing of records made in 1940 by the secretary, Dr. Frank C. Brown, Durham; and a business meeting.

The North Carolina State Art Society held its annual meeting in the old Supreme Court Building, December 4-5. The first evening there was an address by Mr. Robert C. Vose of Boston, Massachusetts, followed by an exhibition



of paintings and a reception. The next day a business session was held.

The first annual meeting of the North Carolina Society for the Preservation of Antiquities took place at the Sir Walter Hotel, December 5. Following a business session, a number of talks were made: presidential address, Colonel Joseph Hyde Pratt, Chapel Hill; "The Adam Spach Rock House," Dr. Adelaide L. Fries, Winston-Salem; "Richmond Pearson and Richmond Hill," Mr. J. H. Folger, Mount Airy; "The Work Projects Administration Archaeological Project," Professor Robert Wauchope, Chapel Hill; "The National Park Service and North Carolina," Dr. C. C. Crittenden, Raleigh; "The Function of the State Park System in the Preservation of Our Antiquities," Mr. Thomas W. Morse, Raleigh; "The Progress of Restoration Work at Bath," Reverend A. C. D. Noe, Bath; and "Prospects for Rebuilding Tryon's Palace," Miss Gertrude Carraway, New Bern.

The Society for the Preservation of Antiquities has recently acquired "Richmond Hill," the home of Richmond Pearson, former Chief Justice of the North Carolina Supreme Court, in Yadkin County, and has been instrumental in securing the donation of the Adam Spach Rock House, in Davidson County, to the North Carolina Historical Commission. It is expected that restoration work on both these places will be undertaken shortly.

The Indians of Robeson County staged a pageant of their history, directed by Miss Ella Deloria, at Pembroke, December 5-7.

The Society of Mayflower Descendants in North Carolina held its annual meeting in Asheville on December 7.

Dr. C. C. Crittenden attended a conference of historians, ethnologists, archaeologists, linguists, and others at Brenau College, Gainesville, Georgia, October 19-20, to hear reports of specialists who had studied the more than forty stones containing inscriptions purporting to relate to the fate of "The Lost Colony," which have been found in North



Carolina, South Carolina, and Georgia. Dr. S. E. Morison, head of the history department of Harvard University, presided. The group approved resolutions declaring that "the preponderance of evidence points to the authenticity of the stones," suggesting further avenues of investigation, and stating that, until a more thorough study had been made, no final dictum concerning the stones' authenticity could be given forth.

North Carolinians taking part in the program of the Southern Historical Association in Charleston, November 7-9, were Dr. Fletcher M. Green and Dr. Mitchell B. Garrett of the University of North Carolina; Dr. B. B. Kendrick of the Woman's College of the University; and Dr. R. H. Woody of Duke University. Dr. Kendrick was elected president of the Association for 1941. In attendance also were Dr. Charles S. Sydnor, Dr. Ruth Ketrang Nuernberger, and Dr. Nannie May Tilley of Duke University; Dr. H. T. Lefler, Dr. A. R. Newsome, Dr. Howard K. Beale, Dr. George E. Mowry, Mr. Robert Ernst, Dr. Cecil Johnson, and Mr. W. T. Couch of the University of North Carolina; Dr. C. C. Crittenden, Mr. D. L. Corbitt, and Miss Mattie Erma Edwards of the North Carolina Historical Commission; Dr. D. A. Lockmiller of North Carolina State College; Mrs. Lillian Parker Wallace and Miss Alice Keith of Meredith College; and Dr. J. H. Wolfe of Appalachian State Teachers College.

Dr. A. R. Newsome of the University of North Carolina, Dr. R. H. Woody and Dr. Ruth Ketrang Nuernberger of Duke University, and Dr. C. C. Crittenden and Mr. D. L. Corbitt of the North Carolina Historical Commission attended the fourth annual meeting of the Society of American Archivists at Montgomery, Alabama, November 11-12. Dr. Woody presided at the session on "Archival Materials on the Civil War and Reconstruction" and Dr. Crittenden, substituting for Dr. Christopher B. Coleman of the Indiana State Library, who was unable to be present, delivered an address on "Some Problems of State Archival Administration."

Professor Howard K. Beale of the University of North Carolina was on the program committee of the American



Historical Association that drew up the program for the 1940 annual meeting of that organization. He was chairman of the nominating committee which nominated the officers of the Association for 1940-41.

Dr. A. R. Newsome and Dr. H. T. Lefler of the University of North Carolina have published a school textbook, *The Growth of North Carolina* (Yonkers-on-Hudson: World Book Company. 1940).

Dr. J. C. Russell of the University of North Carolina has published "Dictionary of Writers of Thirteenth Century England" (1939-40 supplement), *Bulletin of the Institute of Historical Research*, XVIII (1940), 40-42; and "Attestation of Charters in the Reign of John," *Speculum*, XV (1940), 480-498.

Dr. Carl H. Pegg of the University of North Carolina has been promoted to the rank of associate professor.

Dr. George E. Mowry of the University of North Carolina has been promoted to the rank of assistant professor.

Dr. J. Carlyle Sitterson of the University of North Carolina is on leave of absence for the academic year, enabled by a Rosenwald fellowship to conduct research in the history of the sugar cane industry.

Dr. Hugh T. Lefler of the University of North Carolina during the fall quarter taught a graduate course in history at the North Carolina College for Negroes in Durham.

The *Bulletin of the History of Medicine*, Volume VIII, No. 8 (October, 1940), includes "Research on the History of Medicine, in American Universities: I. The University of North Carolina," by Professor Loren C. Mackinney of that institution. The list includes studies made during the past fifteen years and also projects now in process. Among the authors listed are six graduate students in history (representing eight units of research) and four history professors (representing fourteen units of research). Additions to the bibliography will be published from time to time



as they are reported to Professor Mackinney, Chapel Hill, N. C.

An article of interest is James W. Moffitt, "Early Baptist Missionary Work among the Cherokees," *The East Tennessee Historical Society's Publications*, No. 12 (1940), pp. 16-27.

The North Carolina Historical Commission has published Bulletin No. 40, the Commission's *Eighteenth Biennial Report*, 1938-40 (44 pages). Copies may be had gratis.

*A Guide to Depositories of Manuscript Collections in North Carolina*, Bulletin No. 41 of the North Carolina Historical Commission (18 pages), has been published and may be had free.

Books received include: Mary Elinor Lazenby, *Herman Husband: A Story of His Life* (Washington: Old Neighborhoods Press. 1940); Grover Parsons Fowler, *The House of Fowler: A History of the Fowler Families of the South* (privately printed. 1940); Merrill Jensen, *The Articles of Confederation* (Madison: The University of Wisconsin Press. 1940); William B. Hatcher, *Edward Livingston: Jeffersonian Republican and Jacksonian Democrat* (University: Louisiana State University Press. 1940); E. Merton Coulter, *Thomas Spalding of Sapelo* (University: Louisiana State University Press. 1940); Mason Crum, *Gullah: Negro Life in the Carolina Sea Islands* (Durham: Duke University Press. 1940); Henry Kyd Douglas, *I Rode with Stonewall* (Chapel Hill: The University of North Carolina Press. 1940); Ernest Earnest, *John and William Bartram* (Philadelphia: The University of Pennsylvania Press. 1940); Robert O. DeMond, *The Loyalists in North Carolina during the Revolution* (Durham: Duke University Press. 1940); *Guide to the Material in the National Archives* (Washington: Government Printing Office. 1940); David Kelly Jackson, editor, *American Studies in Honor of William Kenneth Boyd by Members of the Americana Club of Duke University* (Durham: Duke University Press. 1940).

The National Archives and the American University, both in Washington, D. C., are coöperating in offering a program for the training of archivists.



"The Albert J. Beveridge Memorial Prize of \$200 is awarded biennially in the odd-numbered years for a monograph in manuscript or in print in the field of American, including South American, history. . . . In awarding this prize, the committee in charge will consider not only research, but also clearness of expression, logical arrangement, and general excellence of style. . . . All works submitted in competition . . . must be in the hands of the prize committee on or before June 1st of the year (1941) in which the award is made." Persons interested in this statement of the committee and desiring further information should address Dr. William T. Hutchinson, Chairman, Albert J. Beveridge Memorial Prize Committee, Box 4, Faculty Exchange, University of Chicago, Chicago, Illinois.



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# THE NORTH CAROLINA HISTORICAL REVIEW

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## WILLIAM GASTON: SOUTHERN STATESMAN

By JOSEPH HERMAN SCHAUINGER

The war of the American Revolution was started in New England and that region remained the scene of battle operations for some time. The South did not feel its ravages for awhile, but by 1778 the British had begun their campaign against this section, and those towns along the seaboard were in a panic. In that same year, on September 19, William Gaston, destined to be one of the greatest of North Carolinians, was born in New Bern to Dr. Alexander Gaston and Margaret Sharpe Gaston.

Alexander was the descendant of a Huguenot, Jean Gaston, who in 1640 fled France for Scotland; the latter's sons eventually left there for Ireland where Alexander was born, in Ballymena, county Antrim. He was graduated as a physician from the University of Edinburgh and took his internship in the Royal Navy. The Seven Years War between England and France was then raging so Dr. Gaston saw active service, and in 1762 he was with the fleet which captured Havana.

He contracted a fever, however, which so incapacitated him that he resigned his commission in order to come to America to recover his health; his arrival in New Bern can be fixed some time after the capture of Havana and before May 1, 1764.<sup>1</sup> Soon he became one of the most respectable citizens of this community, which by the time of the Revolution numbered about six hundred persons, and if his real estate purchases may be taken as evidence he became also one of its well-to-do men. When the storm was seen approach-

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<sup>1</sup> This date is the earliest I find which records his name in the town. On that day he bought 100 acres of land for ten pounds situated on the east side of "Pamlico Road." Craven County Deed Book, vol. II. Craven County Courthouse, New Bern.



ing, the physician lost no time in casting his lot with the colonial fortunes, becoming a member of the committee of safety of New Bern, and no one was more zealous in the cause in this district. In May, 1775, he married Margaret Sharpe.

This young lady had but lately arrived from England, coming to the colony to visit her brothers, Joseph and Girarde, who were merchants in the town. Margaret was born in Cumberland County, England, of Roman Catholic parents, who sent her to a convent in Calais, France, for her education. When she married Dr. Gaston she was about twenty years old. Their three children were all born during the war; the first, a son, died as an infant; William Joseph was born in 1778; and Jane two years later. As the war progressed Alexander seems to have made himself particularly obnoxious to the tories in his rôle of member of the committee of safety and as judge of a lower court, although he did not serve in the army.

When battle operations began in the South the British soon established themselves in Wilmington, North Carolina, but in August, 1781, their commander decided to move on New Bern. When the report of this plan reached Dr. Gaston he retreated to his plantation on Bryce's Creek, but as the troops did not approach it was believed this had been a false alarm so he came back to town. On Sunday, August 19, as he was eating breakfast at his home, he was interrupted by the cry that the British were entering the other end of town. A tory troop, riding ahead of the main body of regulars under the command of Captain John Cox had completely surprised the place. The doctor hurried to the wharf, but a short distance away, and started to row across the Trent River to his plantation. The tories rode straight for the river and caught him within gun range, but their hurried shots were ineffectual until Captain Cox calmly and deliberately took aim, and despite the tearful pleading of Gaston's wife shot him down.

The death of her husband placed the sole responsibility for the family upon Mrs. Gaston, for by this time her two brothers were dead. Although Dr. Gaston had left his affairs in some confusion the widow was assured of a comfortable livelihood through his landholdings and slaves, and she was assisted in the management of these by an old friend of the family, John Devereux. Mrs. Gaston trained her children



in the rudiments of learning and manners and instilled in them the precepts of her religion. She was determined that William should have the best education available, and therefore decided to send him away to college. In 1791 it was brought to her notice that a Catholic college had been established in the little village of Georgetown in Maryland, on the banks of the Potomac River, so in the spring of that year, William, at the age of twelve, left New Bern accompanied by Devereux.

In 1789, the same year the Constitution was adopted and the new government of the United States was initiated, Georgetown College, the first Catholic college in this country, was founded by Bishop John Carroll, first Catholic bishop here. When the two New Bernians arrived they found that the college building was as yet uncompleted so they continued on to Philadelphia. Devereux left William here in charge of a French refugee priest, Father Francis Fleming, who became a noted preacher, trusted and honored by Bishop Carroll; this priest died in 1793 while ministering to the sick in the great Philadelphia plague.

William remained in Philadelphia for the next five months, and under the direction of Father Fleming began to prepare for college, at the same time attending classes in the various private schools of the city. Finally, on November 2, 1791, Fleming and his young charge arrived at Georgetown, but found that the college was still not open.<sup>2</sup> The president, the Reverend Robert Plunkett, consented to allow the youngster to remain with him, although there were no other students. Thus the North Carolinian became the first student of the new institution. By summer the college numbered some forty-two boys, and the president told Mrs. Gaston that her son was the best scholar of them all. He was not to remain at Georgetown, for in April, 1793, he caught a severe cold, and fearing consumption his mother brought him home. The next year his educational needs were supplied by the New Bern Academy under the able direction of the Presbyterian divine, the Reverend Thomas Irving, and in 1794 he was sent to Princeton. The next year he was graduated, at the head of his class; among his classmates were Philip Pendleton of Virginia and John Berrien of Georgia.

<sup>2</sup> Francis Fleming to Mrs. Gaston, Nov. 7, 1791, Gaston MSS., University of North Carolina Library.



On his return to New Bern Gaston decided to make the law his profession, and entered the office of François Xavier Martin, who later became the Chief Justice of Louisiana. On September 22, 1798, just three days after his twentieth birthday, having passed the required examinations, he was admitted to the bar of North Carolina, and began that long career which has reflected so much honor on his name and endeared him to all his fellow citizens.

Just a little while before this his sister, Jane, married John Louis Taylor, a prominent lawyer of Fayetteville, who successively became judge of the superior court, presiding justice of the circuit courts, and the first chief justice of North Carolina. The press of Judge Taylor's new duties left him little time for other pursuits, so he turned his practice over to his young brother-in-law, who was thus given a heavy responsibility for one so young. It was not long after his admittance to the bar, however, that the famed Maryland lawyer, Luther Martin, said of him, "Gaston is destined to fill the first place in his profession in the country."

Gaston began his legal career by acting as counsel for the defendant in the case of *Gooding vs. Henry et al.* This particular Henry probably was one of the Henry family of New Bern, good friends of the Gastons. Among the lawyers with whom Gaston practiced at this early date were John Haywood, at that time leader of the North Carolina bar, F. X. Martin, Edward Harris of New Bern, Blake Baker, Samuel Jocelyn, considered then as the greatest equity lawyer in the State, J. G. Wright, and John Stanly, also of New Bern.

Gaston's most important case in this early period was the famous Granville litigation, brought by the Granville heirs of England against William R. Davie, Nathaniel Allen, and Josiah Collins, and tried at the June term, 1805, of the United States Court at Raleigh. The question at issue would affect a great deal of land in the State, so the people became very excited over the outcome. High officials expected the case to be decided against the State and Governor David Stone was preparing to ask the legislature for funds to compensate these people who held the land for their loss. Because of the popular clamor against the plaintiff it took courage for Gaston to accept this case. When it came up before the court only one judge, Henry Potter of Granville, was on the bench. Chief Justice John Marshall, the other circuit judge, had refused to hear the case because the question was



exactly that involved in the current Fairfax title in Virginia, in which he had an active interest. The lawyers for the defense were Duncan Cameron and Blake Baker, while Gaston was aided by Edward Harris.

In his brief Gaston claimed that the plaintiffs had title to the land up to February 12, 1776, and that unless it could be proven that the title was divested their claim was still valid. The defendants held that the Granville claim was invalid because of the Revolution, the bill of rights, and the confiscatory clauses of the state constitution. Gaston maintained that private rights were not suspended by civil wars or revolutions; that the unoffending citizen should not suffer because of his offending nation. He argued that in no respect did his clients differ from other subjects of the king possessing property in the State except as to the magnitude of their holdings; that it was a principle of the law of nations that if a majority changed its government the minority could sell its property and go elsewhere.

In this case Gaston argued upon right reason and natural equity without reference to municipal law, while Cameron contended that the status of Granville removed him from the protection accorded to private ownership; that he but took the place of the king. This latter view was held by Judge Potter, who stated that the law of the case was with the defendants, and the jury returned its verdict accordingly.<sup>3</sup>

Gaston won in another case of some importance in which the question at issue was whether a posthumous child would take a distributive share of the estate. He argued in the affirmative on three counts—through the statute of distribution, the design of the legislature, and the doctrine of the law on analogous subjects. Regarding the first, the statute directed that the surplus, after the widow's share, be distributed in equal portions to the children. He thought the inquiry depended upon the construction placed upon the word "children," and that this word embraced those born after as well as before the death of the father. He maintained that the legislature would not add to the miseries of a posthumous child by forbidding it any part of its parent's personal estate. He found in analogous cases that in all instances

<sup>3</sup> For a scholarly account of this trial see H. G. Connor, "The Granville Estate and North Carolina," *University of Pennsylvania Law Review*, Vol. LXII, (1914), No. 9, pp. 1671 ff. Judge Potter's charge to the jury appears in the *North Carolina Journal* (Halifax), Jan. 27, 1806.



children *in ventre sa mere* were considered, when they came into being, as having the same rights the others had.<sup>4</sup>

A Gaston trait, consistently held during his life, was his advocacy of either causes or cases which although unpopular he thought were right. Such was the noted trial of Captain Edward Tinker, in which he acted as attorney for the defendant. A ship's cabin boy was killed some time in May, 1810, and suspicion soon rested on the captain of the ship. It was not long before public opinion became convinced of his guilt, an opinion bolstered by the confession of the first mate, who claimed to have witnessed the deed. No other lawyer was willing to handle the case, but Gaston believed the man innocent and undertook it. Despite his clever manoeuvring the result was a foregone conclusion and the man was found guilty.

In the meantime Gaston found time for marriage. On September 4, 1803, he was united to the young and attractive Susan Hay, daughter of John Hay, a lawyer of Fayetteville, and niece of William Barry Grove. This beautiful girl died less than a year later, on April 20, 1804. A year and a half later, the young widower was again married, this time to a distant cousin, Hannah McClure, daughter of General William McClure. This union was blessed by three children, Alexander, Susan, and Hannah.

Concomitant with his legal career was his rise in the political world. He entered the party of the Federalists, then led by the fascinating Alexander Hamilton, at the very time it had started to bow to the surge of Jeffersonian Democracy. During the spring of 1800 Gaston announced his candidacy to represent Craven County in the state senate, and he was elected to that body, which convened November 17, 1800. The Jeffersonian Republicans had a majority, so elected one of their number, Joseph Riddick, to the speakership.

In spite of his party and youthfulness Gaston was kept very active during the session. He introduced several minor bills, served on a number of committees (among which was that on finance), and was chairman of three of them. The most important act of this assembly was the action taken against the university. The Republicans felt that it leaned too much to Federalism so determined to take away from

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<sup>4</sup> V *North Carolina Reports*, 248.



it the income derived from the escheats of the State and the unsold confiscated land, which had been granted by a previous assembly. Gaston fought this measure, tried to substitute a milder one, but was only able to obtain a recording of the yeas and nays. After the session he wrote an article for the *New Bern Gazette*, expressing his opinion that the law was unconstitutional, and told his friends that the conduct of the legislature was a disgrace to the State.

Six years later Gaston was again in the state legislature, having been elected to the house of commons in 1807. This session accomplished practically nothing; it spent three weeks on a resolution to send a letter of endorsement to President Jefferson, which properly might seem outside the duties of a state legislature. The anger of the Federalists was aroused by a term in the original address which branded them as "a party which seeks to subvert because it cannot direct," but this was struck out in the final form. Gaston said that the language of the address was "better suited to the trembling slave who falls prostrate at the feet of his despot than to the legislature of a free state." Two reasons were generally given by the proponents of the measure for its passage, one being that Jefferson was an illustrious character, the other that addresses had poured in upon him from all sides, so they should follow suit. To these Gaston replied:

I do not entertain this extravagant admiration. He possesses talents and virtues . . . something to approve and much to censure. . . . But is the legislature of North Carolina bound to address him because he is an illustrious man? . . . Shall we sit in judgement (as a legislature) upon the executive? The *national government was established by the people and not by the states.*<sup>5</sup>

His efforts were as ineffectual in this fight as they were in the presidential campaign which soon followed. After eight years of power marred by frequent disappointments Jefferson handed down the reigns to his successor, James Madison. Gaston served as a presidential elector, having defeated the Madison candidate, General Bryan Whitfield. Gaston was supporting Charles C. Pickney, but the State chose eleven electors for Madison to only three for Pickney. The vote in the Hillsborough district, which had gone Federalist, was

<sup>5</sup> *Raleigh Minerva*, Dec. 24, 1807. Italics mine.



disputed, so the legislature of 1808, convening soon after the electors were chosen, decided to investigate the matter, but Gaston, who was again representing New Bern in the house, was able to prevent any action.

The Republicans decided to send another address to the President, but wished to make it much stronger than the one of the previous year by not only condemning British conduct but even by endorsing the embargo. Gaston tried to substitute a weaker resolution, but that of James Wellborn was preferred. Gaston introduced several bills in an attempt to reform the superior courts and, as chairman, reported a bill to amend the law of descent, and one to make provisions for children born after the making of a father's will.<sup>6</sup> Both these latter bills were passed by the house.

On December 16, 1808, the speaker, J. G. Wright, resigned to accept a judicial post and by unanimous vote of the house Gaston was placed in this position, which, however, he held only a week as the assembly adjourned December 23, after a month's session.<sup>7</sup>

The next session, in 1809, was devoted to an entirely new issue, not seen in the legislature during Gaston's previous periods of service—the banks. Gaston was again in the house, where he was nominated for the speakership, but he lost to the Republican nominee, Thomas Davis, by a vote of 95 to 29. One of the events of this session was the attempt to unseat Jacob Henry, a Federalist, on the plea that as he was a Jew his presence in the assembly was against that article of the state constitution which forbade anyone not believing in the truths of the Protestant religion to hold a state office. Henry's main supporter was Gaston, who argued for religious liberty and tolerance. It has been said that Henry's able defense, one of the best ever heard in a state legislature to this time, was written by the very able and learned Judge Taylor, who was a Republican.<sup>8</sup> At any rate, the attempt was a failure.

The real fight in this session was over the banks of the State, and such a fight it turned out to be that bloodshed was averted by only a thin margin. There were but two banks in North Carolina, one at New Bern and one at Fayetteville. There was some question over the soundness of their oper-

<sup>6</sup> *House of Commons Journal*, 1808, p. 22.

<sup>7</sup> *Ibid.*, p. 42.

<sup>8</sup> See J. H. Wheeler, *History of North Carolina*, II, 74, for Gaston's part in this. Wheeler, a contemporary and friend of Taylor and Gaston, gives Taylor credit for Henry's speech.



ations so the Republicans decided upon a closer regulation. A bill to this end was introduced by William Drew of Halifax, who in the course of the debate made several very personal remarks concerning Gaston, who was a director of the New Bern Bank. The latter then accused Drew of being unacquainted with the subject, and with having made assertions which had no foundation in fact. Before long debate grew so hot that Drew was called to order, and a motion was made to adjourn over the week-end, which was immediately done. The reporter for the *Raleigh Register* noted that "Mr. Gaston was back in his place today, after mutual explanations from the members of Halifax and New Bern for some warmth that had taken place."<sup>9</sup> Gaston was vindicated, as the opposition withdrew its original bill. The banks probably needed some regulation, but the move was of a political nature because those persons connected with the banks were Federalists.

In the nine years of the new century Gaston had been in the assembly four times, but in 1810 he decided to try a new field, the Congress of the United States. His Republican opponent was William Blackledge, already representing that district. Gaston was defeated by a majority of 480 votes; only three of the seven counties gave him a majority, while his own county, Craven, gave his opponent a majority of 249. In 1812 he was back again in the state senate, but in that year the minds of all were occupied with the dominant thought that the Nation was at war, for on June 12, 1812, Congress had declared war on England.

The election for this war-Congress was bitterly contested. Gaston was elected over William Blackledge to represent the district which two years before had refused to have him. His opponent had at first declined to run but finally entered the contest a few days before the election. Gaston, like Federalists all over the country, conducted his campaign upon an anti-war basis. In a pamphlet distributed over the district he told his readers that America had cause for complaint against both England and France, but he thought we were forbidden by our own interests to fight the former as all trade would be destroyed except that permitted by the enemy. He did not believe that seamen's rights would be protected by an invasion of Canada. The people of this seaboard district seem to have agreed with him.

<sup>9</sup> *Raleigh Register*, Dec. 21, 1809.



Congress convened in an extra session on May 24, 1813. Gaston was appointed to several committees, relatively unimportant. He actively entered the first clash occurring between the two parties on the floor. George Richards, reporter for Alexander Hanson's *Federal Republican*, had been excluded from the floor of the house by Speaker Henry Clay who stated that as there were only four seats for these men he had assigned those in order of seniority. Three of these favored scribes wrote for Republican papers, and the one employed by a Federalist newspaper did not write out the debates. The furor over this was the occasion for Gaston's maiden speech in Congress, and marked his first brush with Calhoun and Clay. He stated that:

. . . The subject is worthy of every attention, because it is intimately connected with the first principles of a Representative Government, freedom of discussion and publicity of proceedings. Majorities are frequently tempted to exercise their powers with a high hand. Minorities always suspect them of a disposition to oppress. . . . Forbearance on the one hand will inspire courtesy on the other . . . and a spirit of generous contest would forbid all unnecessary altercation or wanton opposition.<sup>10</sup>

After Calhoun had given his opinion on the matter, Gaston rose again, to examine the argument of the gentleman from South Carolina, which he declared to be pervaded with fallacy as Calhoun "had not exercised his usual critical acumen." Although the committee of the whole voted to exclude Richards, a select committee, of which Gaston was a member, was appointed to study the question and arrangements were made to accommodate more reporters in the galleries instead of on the floor.

This trivial matter disposed of, the Federalists moved to attack the administration on a more serious matter. The French Minister of Foreign Affairs claimed that Napoleon's revocation of the Berlin and Milan decrees had been sent to the French minister in Washington to be transmitted to the State Department. The Federalists suspected that the President had suppressed this important information. Therefore, Daniel Webster on June 10 submitted resolutions calling for information on the subject, and this brought about a very fierce debate. On June 18 Gaston entered the fray,

<sup>10</sup> *Annals of Congress*, 13 Cong. 1 sess., p. 119.



after Felix Grundy of Tennessee had accused the Federalists of being more devoted to the interests of the enemy than to those of their own country. To this Gaston replied:

. . . It will not be deemed egotism I trust, to add, that baptized an American in the blood of a martyred father; bound to my native land by every moral and natural tie that can fasten on the heart of man; without one motive of interest, of passion, or prejudice to seduce the loyalty of my affections, never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided.<sup>11</sup>

Gaston's argument was that although the character of our government needed no protection, for he felt that the assertion of the French Minister was false, at the same time a determination to believe everything right connected with authority and to applaud, without examination of the facts, was characteristic of folly and servility. The Republicans soon realized that the inquiry could not be stifled so the resolutions went to the President. It was found that the fears of the Federalists were unfounded, for the President had not suppressed any such paper that might have prevented a declaration of war.

Little else of importance occupied the attention of the Congressmen in this first session. Before its close Gaston had left for New Bern, as tragedy had again entered his life. On July 13 the long dreaded visit of the British to the coast of North Carolina became a reality, and rumor soon spread in New Bern that the red-coats were on their way to this town. The news so shocked Gaston's wife, Hannah, that she was seized with convulsions, which could not be halted, and she died in the early hours of the morning, leaving her husband with three small children.<sup>12</sup>

By the beginning of the second session, which convened on December 6, 1813, the individual members possessed better knowledge of one another's personalities and qualities. From this time on Gaston became one of the leaders of the Federalists in the House. Of him Charles J. Ingersoll, a Republican member, said, ". . . Mr. Gaston, a handsome man of pleasing address and speech . . . was one of the ablest and most pleasing speakers of the House, a leading

<sup>11</sup> *Ibid.*, p. 239.

<sup>12</sup> Gaston's mother, Margaret, who had been living with them, died some time in 1811.



member of the opposition."<sup>13</sup> Gaston's reputation was becoming national. John Randolph of Roanoke told Francis Scott Key, "I am much pleased with Mr. Gaston's speech on Webster's motion. Chief Justice Marshall had taught me to think highly of his abilities; and my expectations, altho raised, have not been disappointed."<sup>14</sup>

Most of the talking in Congress during the entire period of the war was done by the Federalists. The Republicans were content to let them go on until it became too tiresome, and then to shut them off by taking a vote on the question. The former did most of their acting by voting down Federalist measures and proposals. It was only once in awhile that they were goaded into speech by some Federalist assault, but then frontiersmen like Grundy could stand only so much. Gaston took part in almost every debate of the session. The North Carolina delegation introduced a bill to submit an amendment to the Constitution which would direct a uniform mode of appointing presidential electors, instead of leaving each state to use whatever method it saw fit. Gaston spoke vigorously for the adoption of this reform, but it was voted down. He also opposed a measure which would place the trial of citizens accused of treason under military jurisdiction, and presented a resolution that "pending the negotiations with England it was inexpedient to prosecute military operations against the Canadians for invasion or conquest," which likewise was defeated.

In February the new loan bill came up and by the rules of the House it had to be discussed in the committee of the whole where debate would be free and unstifled. The Federalists determined to take advantage of this situation by covering every subject not hitherto allowed in general debate. Webster wrote his brother that "on the loan bill we hope to get a blow at them . . . Gaston and Grosvenor are prepared to give great speeches on that subject." This speech which Gaston then delivered was one of the two for which he received great praise and which are more often remembered; the other was that on "the Previous Question." In the former one he discussed every question at issue, occupying the floor for two days. He accused the War Hawks of waging the war for the conquest of Canada, and asked them

<sup>13</sup> Charles J. Ingersoll, *Historical Sketch of the Second War between the United States of America and Great Britain*, p. 207.

<sup>14</sup> Hugh A. Garland, *Life of John Randolph of Roanoke*, II, 17.



if they thought the slave-holding states would allow them to incorporate that territory into the Union, even if it could be conquered.

The *National Intelligencer* stated that the ablest speakers on both sides had been engaged in this debate, and praised Gaston's speech, although maintaining that the author of it was incorrect in many of his claims.<sup>15</sup> Gaston's taunts drew the fire of many. John Forsyth of Georgia voiced their resentment when he said:

Mr. Gaston has recommended moderation, liberality, and forbearance, but he has not given us an example. . . . His language is correct, gentlemanly, and polished. No harsh terms deform the smoothness of his periods. . . . It matters not whether the victim is struck down by the butcher's cleve, or a glittering Spanish blade.

Forsyth's remarks had aroused the anger of Gaston, and at the close of the day's session he sent a stiff note to him to inquire if there had been any personal meaning in his words. Soon throughout the capital there ran rumors of an impending duel, for Forsyth's answer had been equally brusque.<sup>16</sup> Friends intervened and the affair passed off without fireworks. Calhoun had noted the storm and, rebuking Forsyth, sought to soothe Gaston's ruffled feelings, saying of him:

Mr. Gaston's conduct seems to me to be in the true spirit of an honest opposition. . . . It is thus we may divide among ourselves and the national strength not be impaired . . . for it comports with the conduct of a good citizen.<sup>17</sup>

The gentlemanly South Carolinian's next words were unfortunate in the extreme, for speaking of certain portions of Gaston's speech he stated that they were untrue in fact. Instantly Gaston was on his feet, and in cold measured tones "of unmistakable significance," demanded to know in what sense Calhoun had used the word "untrue." The House held its breath, until Calhoun quietly replied that he had meant the fact was not as Gaston had stated it, "for he had too much respect for him to have an allusion to any other sense." Within the space of one day Gaston had almost become involved in two duels. Before the session closed he asked that the embargo be repealed, claiming that it was working untold

<sup>15</sup> *National Intelligencer*, March 16, 1814.

<sup>16</sup> Forsyth to Gaston, Feb. 24, 1814, Gaston MSS.

<sup>17</sup> *Annals of Congress*, 13 Cong., 2 sess., p. 1691.



hardship on the people of his section, and this was done shortly afterwards.

When he returned to Washington for the next session Congress had to meet in an old building on Seventh Street, for the British had visited the capital, burning several buildings as they passed through. When certain Federalists tried to annoy the administration by a proposal to remove the capital elsewhere Gaston not only voted against the motion but opposed it vigorously. On January 26, 1815, he presented the petition to grant a charter to Georgetown College, which would thus give the authority to the college to grant the usual degrees, and it was quickly passed. During the entire session a plan to establish a national bank was discussed and a bill for this reported. Gaston objected to several features of the plan, among them being the extent of the capital, the limited proportion of the specie, and the power of the President to suspend even that limit. The bill was finally defeated by the casting vote of Speaker Langdon Cheves; a new and revised version passed by both chambers proved to be so inadequate that Madison vetoed it. This design had to wait the meeting of the next Congress. On December 25, 1814, peace was signed at Ghent, and the thirteenth Congress ended its sessions early in March, 1815. The following year Gaston announced his candidacy for re-election, and on August 18 the *Raleigh Register* stated that he had met with no opposition, his majority being 2,900 votes.

In the new Congress which convened on December 5, 1815, Gaston did much less than in the previous one. Among the new men he made a fast friend of the famed Philadelphia lawyer, Joseph Hopkinson. The outstanding questions of this Congress were those of the tariff and currency. Gaston voted against the tariff bill which was passed by this Congress, as he felt it was unconstitutional and unfair, although Calhoun supported the measure. Gaston also felt that the Second Bank of the United States, established by this Congress, was not what it should be although he was in favor of a national bank. The New Bernian's most important contribution was his speech on "the Previous Question," that device by which the majority could cut off debate and bring a question to an immediate vote. In this classical speech, made on January 19, 1816, he declared that:



. . . Liberty of speech is here in its citidel. Yet even here it is to be strangled. . . . Can it be that the people have selected as guardians of their rights those who should have no right to assert them? . . . It was reserved for us in this age of illumination, and in this freest of all free governments, to adopt a rule which sets common sense at defiance and prohibits the exercise of an undoubted parliamentary right. . . . Dispatch in law making is inconsistent with deliberative freedom. Five times in the course of the last session "necessity" for speedy legislation forced the previous question . . . yet so purely imaginary was this that no legislation took place upon them. . . .<sup>18</sup>

His masterly command of this issue took Clay and his followers so by surprise that no answer could be made to it, and Clay was so mortified that it was long years before he forgave Gaston. Seventeen years later Chancellor James Kent of New York wrote Gaston that "I have read it again this morning and permit me to say it is a masterly and conclusive law and constitutional argument, with the most diligent examination and keen critical analysis of the documentary authorities. It is an admirable production."<sup>19</sup>

Gaston's inactivity may be explained in part by the fact that his attention was diverted, as he had fallen in love with one of the belles of Georgetown, Eliza Worthington, the daughter of Dr. Nicholas Worthington, and soon they began to be seen everywhere together. They were married in the Worthington home on September 3, 1816, by Father De Grassi, the president of Georgetown College. Two children, Eliza and Catharine, were born before Mrs. Gaston's death, which occurred in the Gaston home at New Bern on January 26, 1819.

When the last session ended Gaston left the capital with his bride, never again to return as a Congressman. There is a tradition in the family that he withdrew from Congress because he felt he could not control his temper in its halls, but he was probably most influenced by the needs of a growing family, for his practice was lucrative in North Carolina. Moreover, he belonged to the Federalist party, whose influence and power were practically nonexistent and were soon to disappear entirely. Some years later a Congressman from Ohio asked Webster who was the greatest of the great men of the war Congress. To this Webster replied, "The

<sup>18</sup> *Ibid.*, pp. 699-718.

<sup>19</sup> Kent to Gaston, Nov. 14, 1833 Gaston MSS.



greatest man was William Gaston," and then added with a smile that he himself had come along after him.<sup>20</sup>

From this time on Gaston was honored in one way or another by almost every cultural society and university in the country. In 1817 the American Philosophic Society elected him a member; in 1819 the American Antiquarian Society made him counselor for the state of North Carolina. That same year the University of Pennsylvania conferred upon him the honorary degree of doctor of laws; six years later he was again the recipient of this degree, Harvard University being the donor. The award was due to the distinguished associate justice of the United States Supreme Court, Joseph Story. The latter told William Sullivan that his reasons for naming Gaston were:

He is one of the most distinguished of American lawyers in the highest sense of the phrase, eminent as a statesman and as a private gentleman is all that one could wish for or desire. . . . Hitherto North Carolina has not shared our public honors as she deserved. . . . The honor is on ourselves and not on Gaston. . . . He is truly a doctor of laws, whom to know is to respect.<sup>21</sup>

Gaston also received this degree from Princeton University in 1835 when he addressed the graduating class of that year; he was made an honorary member of the Phi Beta Kappa Society of Yale University, and received many other such honors.

In 1817 James Monroe became the fifth President of the United States, and the period during which he occupied that office has been designated as the "era of good feeling," ironically enough since it was a time during which the most bitter and unscrupulous competition for the Presidency began. At about this time party politics in North Carolina disappeared. Barlett Yancey was elected speaker of the senate for the next ten years because of the absence of party alignments. Despite this beneficial state of affairs the State made little progress in constructive legislation. Too much time was spent in petty bickering over the election of state officials; the penal code was in a sorry condition, but instead of rectifying it the assembly wasted its brief time in such acts as reviewing divorce proceedings. The greatest achievement of the assembly during this period was the establish-

<sup>20</sup> M. S. Manly, "Memoir of William Gaston," *North Carolina University Magazine*, X, 196.

<sup>21</sup> Story to Sullivan, Oct. 22, 1826. Georgetown University Archives.



ment of a new, reformed supreme court, which the State owes to the persistent urging of Gaston.

Craven County sent him to the state senate during the two terms of 1818 and 1819. At both sessions he was appointed by Yancey, chairman of the judiciary committee. Under his leadership a bill was reported for a supreme court, composed of three judges, distinct from the circuit judges, having appellate duties only—except that the superior courts could order equity cases removed there for hearings upon affidavit showing its necessity for purposes of justice. In this report Gaston dwelt upon the evils of the judiciary of North Carolina. Pointing out the faulty organization of the so-called supreme court then in existence, which was composed of all the judges of the circuit courts, he stated that another court was needed to compel all the inferior courts to adhere to the same exposition of the public will. He said that “under the present order property is insecure and liberty endangered, rights ambiguous and law unknown.” He concluded the report by declaring that the supreme court must have men of ability and integrity in order to obtain respect as well as uniformity. Also he demonstrated that the efficiency of the superior courts would be greatly increased.

The bill was passed by both houses in record time.<sup>22</sup> It fixed the salary of the judges at \$2,500. John Louis Taylor, Leonard Henderson, and John Hall, three of the ablest men ever to occupy the bench at the same time, were elected to the new court. Taylor became first chief justice of the State. In the next session a plan to ruin the court by slashing the salaries of the judges was vigorously opposed and blocked by Gaston. Time and again through later years different groups of men, with various motives, tried to abolish or weaken this court, but were defeated, generally through the efforts of Barlett Yancey, Gaston, and other far-sighted leaders of the bar.

While a member of the senate at this time Gaston had occasion to write to Chief Justice Marshall for advice concerning some state business and after answering his questions the Chief Justice told his friend, “I rejoice that you are in the legislature of your state since you determined to withdraw from that of the Union.”<sup>23</sup>

<sup>22</sup> *Senate Journal*, 1818, p. 117.

<sup>23</sup> John Marshall to Gaston, Dec. 11, 1818. Gaston MSS.



With the approach of the historic presidential election of 1824, strictly state measures were crowded into the background as the qualities and policies of the five candidates became the center of interest. Secretary of State John Quincy Adams was the Northern candidate, Secretary of War John C. Calhoun and Secretary of the Treasury William H. Crawford were the Southern candidates, while the West offered General Andrew Jackson and Henry Clay. Friends of these men began their campaign as soon as the election of 1820 was a matter of the past, and William H. Crawford was regarded as most likely to receive the fifteen electoral votes of North Carolina.<sup>24</sup>

Friends of Calhoun, however, led by Charles Fisher of Salisbury, thought otherwise and soon they managed to develop a real threat to Crawford's chances. Calhoun persuaded General Joseph G. Swift of New York, well known in North Carolina, to conduct an extensive correspondence with leaders in the latter state. Swift contacted Gaston late in the fall of 1823, and must have been well content with the latter's reply, which in part read:

. . . The high opinion which I entertain of Mr. Calhoun's merits, of his understanding, integrity, firmness of purpose, devotion of views and devotion to his country's welfare, added to the strong personal attachment formed at a moment of bitter party hostilities and fondly cherished since these have ceased cause me to take a deep interest in behalf of his claims to the presidential chair. . . . Since I have perceived a possibility, if not a probability, that the exertions of his friends may not be unavailing I have not hesitated to give such an expression of my opinions and wishes as might operate where they are likely to have an influence.<sup>25</sup>

In March, 1824, Calhoun was eliminated from the contest when Pennsylvania swung to Jackson. In April, Gaston told Webster that while there had been a prospect of electing Calhoun he had felt a strong interest for his success, but now preferred Adams to the other candidates. He felt that the struggle in his State would be between Jackson and Crawford, with the former having the best chance of success.<sup>26</sup> The issue was confused in North Carolina where a "Peoples' Ticket" was pledged to vote against Crawford for the

<sup>24</sup> A. R. Newsome, *The Presidential Election of 1824 In North Carolina*, p. 45.

<sup>25</sup> Gaston to Swift, Oct. 25, 1823. Jos. T. Swift Papers, University of North Carolina Library. This letter was brought to my attention by my friend, Dr. Newsome, whose scholarly account of the election is a valuable addition to the history of the State.

<sup>26</sup> Gaston to Daniel Webster, April 11, 1824. Gaston MSS.



stronger candidate—Jackson or Adams; and that ticket won the victory in November. In December the electors met in Raleigh and cast the fifteen votes of the State for Jackson, but the election had to be decided by the House of Representatives, where it was given to Adams.

Gaston's esteem and admiration for the new President increased steadily during the latter's administration. To one of his former law students he said of one of the President's message to Congress, ". . . [it] has raised my estimate of his talents, although I knew his acquirements were prodigious. In this message there is an elevation of thought and dignity of conception which would not dishonor a genius of the first order. I admire his beneficent views."<sup>27</sup> Adams entertained a like view of Gaston, whom he proposed to appoint as Secretary of War. This met the opposition of Clay, who wished one of his own followers in the place, so the North Carolinian did not even hear of the plan.

Jackson's active campaign of 1828, with its bitter denunciation of the son of John Adams, caused Gaston to become a participant in favor of the latter. A plea for the reelection of Adams made by the "Committee of Correspondence and Vigilance of New Bern," which appeared in the local paper, was clearly the work of Gaston.<sup>28</sup> He, with two other men from this town, was elected to attend the anti-Jackson convention in Raleigh on December 20, 1827. This was the first party convention ever seen in North Carolina.<sup>29</sup> Gaston gave the key-note address, stating that Adams deserved the accustomed mark of the country's approbation—a second term, for there was no well founded or serious cause for complaint. The President had been approved by all his predecessors, who had used his talents for the country's service in one way or another, while "custom has established that no president could hold office longer than eight years."<sup>30</sup> Ten thousand copies of Gaston's address were distributed. It was of no avail, however, for the State and Nation sent "Old Hickory" to the White House.

Three issues were soon to divert the attention of the people of the State and Nation; the status of financial institutions, internal improvements, and the tariff, which were accompanied by the struggle over the nulification doctrine. Before

<sup>27</sup> Gaston to J. H. Bryan, April 1, 1826. Bryan Papers, North Carolina Historical Commission archives.

<sup>28</sup> *Carolina Sentinel*, Dec. 1, 1827.

<sup>29</sup> R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 511.

<sup>30</sup> *Address On The Administration Convention . . . Raleigh . . .*, Dec. 20, 1827, p. 5.



this last struggle reached its climax, however, another question became dominant in North Carolina, namely, that of the banks.

In 1828 affairs had reached such a point that the governor thought it necessary to recommend to the assembly an investigation of the banks. A joint committee was appointed to consider the question, and it filed a report stating that the condition of the banks was so far improved that the payment of specie should be resumed. A minority report, signed by only the chairman, Robert Potter, recommended prosecution of the banks by the attorney general. Potter magnified the indiscretions and violations of the rules by the banks into extortion,<sup>31</sup> and a bitter debate lasting nine days grew out of the bill he introduced.

Gaston had been elected to represent New Bern in the house and appeared there on September 17. Some three months previously he had been appointed president of the New Bern bank so when the speaker, Thomas Settle, asked him to serve on the joint committee he declined, but accepted the chairmanship of the finance committee. The report of this latter committee, returned some time before that of the investigating committee, declared that the charters of banks were too vague, while the checks imposed upon them were too feeble. It recommended the resumption of specie payment and the closing of a bank which could not do this, but warned that both of these processes must be undertaken slowly.

The debate over the bill presented by Potter to prosecute the banks began on December 29, 1828, and lasted until January 6, 1829. Potter, Charles Fisher, and William J. Alexander were the most prominent men seeking its passage, while Gaston and David L. Swain led the opposition. Gaston, in a long refutation of Potter's charges, presented a detailed history of the banks in the State. He maintained that the evils of the situation were less aggravated at the time, argued that the prospects for their removal were most encouraging, and advanced a plan for improving the condition. Potter held that Gaston's statements were directly at variance with the facts. Gaston warned his listeners that victory for the advocated bill would bring ruin in the State, for not only were the savings of innocent stockholders in the banks but also the literary fund for the education of the poor and

<sup>31</sup> W. K. Boyd, *History of North Carolina: The Federal Period*, p. 126.



the fund for internal improvement. The bill which had seemed certain to pass at the beginning of the debate was lost on the final vote by the casting vote of the speaker. Its proponents blamed Gaston for the defeat, paying tribute to his powers.

The newspapers as a general rule took the same stand as Gaston. The *Carolina Sentinel* published his entire speech, with the comment that:

. . . It is cheering to find those who carry with them a weight of talent and character like Mr. Gaston taking the lead in the discussion. . . . The speech of Mr. Gaston is the most lucid statement of the facts which we have yet seen as the report of the minority is remarkable for contrary qualities.<sup>32</sup>

The *Free Press*, the *Catawba Journal*, the *Raleigh Register*, and the *National Gazette* of Washington, D. C., spoke of it in the highest terms.

Gaston was again in the house for the 1829-1830 term, and was instrumental in obtaining an extension of the charters of the banks at New Bern and Fayetteville, and in defeating the bill to create a new state bank. He was not a member of the next assembly, but circumstances forced him to enter that of 1831-1832, although in May he had refused to run for election. A few days before the election, under strong pressure, he consented to become a candidate for the house. He won the seat by one vote, in the hottest election seen in the town for a long time. Before the election the *Fayetteville Observer* expressed the hope that he would be elected "Clay man and Federalist though he be," because his election would give the State more "dignity and interest." The *Free Press* was also gratified at the result, even though he was "possessed of the evil spirit of Federalism,—were this not the case the most exalted stations in our State and National Councils would be his."<sup>33</sup> This session of the assembly was indeed important and exciting.

Gaston was delayed in New Bern, so did not take his seat until December 5. As was usual he was appointed to the judiciary committee, from which he reported a bill to allow appeals to the supreme court from interlocutory judgements, orders, and decrees of the superior court of law and equity. He introduced the bill to charter the North Carolina Central

<sup>32</sup> Feb. 21, 1829.

<sup>33</sup> Dec. 6, 1831.



Railroad, and saw to it that a bill was passed to repair Canova's statue of Washington, which had been defaced in the fire of the capitol. The most important activity of this session was the fight over the proposed removal of the capitol, discussion of which was brought on because of the recent fire in Raleigh. The designation of the state capital at Raleigh had always been a sore point with the Cape Fear section, and their representatives now determined to have it removed to Fayetteville. Gaston strongly opposed this design, stating that no proposition on which there had been any difference of opinion had come under his notice in which the path of duty appeared more certain, more clear, and more obvious than on this. He branded as false the idea that all Fayetteville needed was the presence of the assembly to become a splendid city. It was in the southwest and did not have the healthful situation of Raleigh, as was proven in the summer when every family that could do so left for other regions. He argued that only thirteen counties out of sixty-four had an active interest in the change, while at least thirty counties disapproved of it. He concluded with the plea:

Let us not leave ruins to proclaim to every passerby that North Carolina is so torn by strife she cannot even agree to erect a House for legislation.

It was not in vain, for on the vote Raleigh remained the capital. This marked Gaston's last appearance in the legislature.

With other leaders in the State he had shared in the interest for internal improvements, but the State suffered from an apathy toward this subject by all but a few. Any action obtained was slow, desultory, and generally inadequate. Little was finally accomplished. On July 4, 1833, when the cornerstone of the new state capitol was laid, an important convention on internal improvements met in Raleigh. It was composed of delegates from various counties of the State, and elected David L. Swain as president. Its most important action was the appointment of a committee of twenty to prepare an address to the State on the subject. This committee was made up of some of the most important men of North Carolina; Gaston was made chairman and to him fell the task of preparing the address, which won wide recognition, far outside the boundaries of the State.



These interests quickly sank into insignificance, however, with the rise of the great issue that rocked both the South and the North, that harbinger of future division, the nullification controversy. In 1816 a tariff bill was passed by Congress in order to protect manufactures; cotton and woolens gained the greatest advantage. It was not long before the South was protesting against the system as ruinous discrimination against her products; its leaders had concluded that protectionism and slavery were antagonistic. The climax of the situation was reached in 1828 by the passage of the "tariff of abominations," an unreasonably high bill passed for political reasons. The South demanded an end to this system. In this emergency the great Southerner, John C. Calhoun, emerged with his doctrine of nullification, whereby a state could nullify a federal law by means of a special convention called to do so, thus repealing the law in question, until it was repassed by three-fourths of the states. Such a convention met in South Carolina in November, 1832, and nullified the tariff laws of 1828 and 1832. Thereupon, President Andrew Jackson proclaimed he would force the State to obey the federal laws, and soon troops were drilling in South Carolina.

The people and the legislature of North Carolina were not slow in expressing their distrust of the course of South Carolina. Early in 1830 Gaston had expressed himself to the governor, James Iredell, as being very uneasy over the discussion which seemed to him to have as its principal object the arraying of different sections of the Union against each other. To Iredell he said, "These geographical divisions are to me more alarming than any other. Would that our North and South, East and West men would be to each others failings a little blind, and to their virtues very kind."<sup>34</sup>

To his son-in-law, Robert Donaldson, he made a more vigorous statement a year later, saying, "Calhoun could not but come out in favor of nullification after having formed a party of zealous and devoted nullifiers. It is impossible for any sophistry to uphold a doctrine which involves such glaring and practical absurdities. What a pity that such a mind as his should be so warped from its rectitude by unholy passions."<sup>35</sup>

<sup>34</sup> Gaston to James Iredell, Feb. 11, 1830, Gaston MSS.

<sup>35</sup> Gaston to Donaldson, Sept. 3, 1831, Gaston MSS.



The following year, 1832, he finally accepted one of the numerous requests made of him to address a graduating class, his choice being the University of North Carolina. On June 21 he spoke to the largest crowd ever to appear at Chapel Hill, among which were many of the most distinguished men of the State. During the course of the long address he said:

. . . Threats of resistance, secession, separation, have become as household words. The public mind will soon be accustomed to the detestable suggestion of disunion. Conjectures, what may the North do without the South; sneers and reproaches all tend to the same fatal end. What can one do without the other? They will present fields and occasions for border wars, leagues, and counter-leagues. . . .

If it must be so, let parties continue to quarrel with little regard to the public good. They may do the country much harm . . . destroy its harmony and impair its character. Still we have that blessed Constitution, and a name revered. Such a country and such a constitution have claims on you. I entreat you . . . preserve that country . . . uphold that Constitution.

This was not the last public occasion on which he forcibly opposed nullification. At New Bern on December 8 a large meeting was held, with Gaston as chairman. Here too condemning Calhoun's doctrine, he reviewed the history of the country since the inauguration of the federal government, pointed out its progress and its position in the world. He concluded with a ringing challenge:

. . . North Carolina has declared an unshaking adhesion to the integrity of the Union. The people may disapprove of the Tariff much, but they love the Union more. . . . When the Union is endangered . . . then all differences are laid aside and forgotten . . . they have but one voice and that voice is, the Country and nothing but the Country.<sup>36</sup>

It was not long before he received letters from such men as Chief Justice Marshall and William Sullivan in praise of his words. Soon Congress moved to conciliate South Carolina and a compromise was effected by which both sides saved their faces; each could claim a victory although the doctrine of nullification was not admitted outside Calhoun's circle. Gaston felt that "the strong and general expression of the American people against nullification had not killed it," that there was "a settled design among certain leaders of

<sup>36</sup> *Raleigh Register & North Carolina Gazette*, Dec. 28, 1832.



the South to establish a separate confederacy," and that their plan would not be abandoned. Marshall was of the same opinion, believing that many of the most active leaders of such a plan were in Virginia. Before the echoes of this struggle had been lost in the canyons of time Gaston began the performance of those duties by which he rendered his greatest service to the State.

When Chief Justice Taylor died in 1829 Gaston's name was prominently mentioned to succeed him, but upon his refusal even to be considered Thomas Ruffin was elected to the place. Two years later Judge Hall resigned and Gaston was nominated for the vacancy, but this nomination was withdrawn when it became known he would not accept the place. To the chagrin of many, including Gaston, Joseph J. Daniel then became the incumbent. On August 13, 1833, the third original justice, Leonard Henderson, died and pressure became so great upon Gaston as to be irresistible. Governor Swain insisted that if any other name but his was presented for the office the court would be forced out of existence. In eleven closely written pages Judge Ruffin begged Gaston to join him on the bench, declaring that if he did not he would resign and the supreme court would vanish. Others joined in this chorus. Gaston did not at once accede to these demands, as there were a few obstacles which he wished removed before allowing his name to be placed in nomination.

By one of the articles of the state constitution, no one could hold office under the State who should "deny . . . the Truth of the Protestant Religion." Gaston was not worried over this as he did not believe it debarred him, but he did wish the opinions of other state leaders on the subject. The question had arisen before; more than a year previously his son had been made a justice of the peace, but before allowing him to accept the office Gaston had conferred with Judge Ruffin on the matter. Ruffin maintained that the article *may* have been intended to exclude Catholics, but in fact did not do so.<sup>37</sup> Gaston was of the same opinion, telling Ruffin that "this disqualification is not plainly expressed in it—nor can it be inferred—and must therefore be regarded as not contained in it."<sup>38</sup> He felt, as did Ruffin, that no one could say with assurance just what this truth was, that no

<sup>37</sup> Ruffin to Gaston, May 23, 1832. Gaston MSS.

<sup>38</sup> Gaston to Ruffin, Aug. 25, 1833, J. G. de R. Hamilton, ed., *The Papers of Thomas Ruffin*, II, 92.



tribunal could be appointed to determine the question, and finally that he himself believed all the truth of the Protestant Religion. Governor Swain, Ruffin, Edmund Badger, William A. Graham, and others were of the same opinion. Marshall, on being consulted, expressed the same idea, and said that there was no reason why he should not take the office.

Another objection which Gaston regarded as more serious was his financial status. He was \$8,000 in debt, and was giving up an income of about \$6,000 a year to accept one of \$2,500. Arrangements were made to pay these debts off by means of a long-term loan. On November 27, 1833, Gaston was elected to the vacancy by the legislature; he received 112 votes and Seawell 42, while 23 ballots were blank.

Practically universal acclamation met this election. When the court convened in December Judge Daniel refused to be considered for the chief justice-ship, so the other two cast lots, and by this unique method Ruffin became chief justice. Gaston found his new duties extremely interesting, and when in doubt never hesitated to seek the aid of the other eminent judges. Chancellor Kent, esteemed by the whole country as one of the most learned of American jurists, was asked several times for his opinion of a case. Once Kent remarked to Gaston, "Perhaps I have said a great deal too much, considering your far superior and more familiar information and knowledge on the subject of common law doctrine."

Because of North Carolina's position as a slave state many of Gaston's decisions affected the life and happiness of the Negro race, both slave and free. His views on slavery were well known and had been publicly expressed in his address at the state university, where he had said that "slavery was the worst evil that afflicted the South," and that "slavery, more than any other cause, keeps us back in the career of improvement." His judicial decisions affecting the institution were tempered with humanity, very often mitigating the hard lot of this people, although never conflicting with declared law. He looked always to the advancement and well-being of society; if a white man violated the law, even though only a slave suffered, the law punished him. Before his accession to the bench there was a marked uncertainty in regard to the law concerning the protection of slaves from inhuman treatment, but his famous decision in the case of *State vs. Will*, occurring in 1834, became a



landmark in a more liberal and humane treatment. Here Gaston declared that although "unconditional submission was the general duty of slaves" and unlimited power, in general, the legal right of masters the latter did not have the right to slay his slave and that a slave had a right to defend himself against the unlawful attempt of his master to deprive him of life.<sup>39</sup> This opinion was noticed and quoted widely, and was upheld later under different judges. In another case concerning a free Negro, Gaston maintained that the Negroes were citizens of the State and members of society.<sup>40</sup>

Anything which tended to imply that human life was cheap aroused the intense anger of Gaston. Concerning a case in which an officer of the law was involved he said, "There is a recklessness,—a wanton disregard of humanity and social duty—in taking or endeavoring to take the life of a fellow being in order to save oneself from a comparatively slight wrong which is essentially wrong and which the law abhors."<sup>41</sup> In a long and passionate opinion Gaston dissented from his associates in a case involving the separation of one of the jurors from the others for a short time in a murder trial, which he declared might tend to destroy the purity of jury trials.<sup>42</sup> His written decisions are models of our literature, marked by a beauty of style and language as well as by precision of reasoning and logic.

Two years after his elevation to the supreme court, in the year 1835, Gaston, in his fifty-seventh year, twice publicly demonstrated that he was one of the foremost men of his State and Nation in the depth of his statesmanship and courage, his scholarship and philosophy. The two occasions were his participation in the constitutional convention and his address at Princeton University.

For more than forty years there had existed an agitation in North Carolina to amend or change the state constitution, and year by year this grew stronger, more insistent, and at last irresistible. The western part of the State was not represented adequately in the assembly, and each year its members tried to have this corrected. Sometimes, as in the 1819-1820 session, debate on this question took up most if not all the time. In 1834 one of the most remarkable men

<sup>39</sup> XVIII *North Carolina Reports*, 121.

<sup>40</sup> XX *North Carolina Reports*, 385.

<sup>41</sup> XXV *North Carolina Reports*, 193.

<sup>42</sup> XVIII *North Carolina Reports*, 541.



in the history of the State, David L. Swain, was governor, and he was successful in his attempt to have a convention called. To it as a general rule the counties sent their ablest men. Earlier in the year there had been a rumor that Gaston would decline to be a member of the convention, but this was indignantly denied by the editor of the local paper, who said, "In this county the prevailing desire is that Gaston be sent, and every friend of the state would be gratified by his selection. . . . When was he ever known to shrink from labor or shun responsibility when the interests of North Carolina required his services."<sup>43</sup> Gaston was in the hall when the convention was called to order on June 4, 1835.

He served on most of the committees, and probably was the most important single individual there, speaking often and having more influence than any other. The real object of the convention was to change the method of representation, and the plan finally accepted was that of Gaston's. The first real business that came before the body was the status of borough representation. Certain towns, among which was New Bern, were represented in the house, and it was moved to abolish this privilege. Naturally Gaston opposed it, contending that these few representatives guarded the interests of all the towns, that the men sent from them had been among the most intelligent, liberal, and independent members of the legislature, and that care should be taken that the voice of all be heard. To the charge that the trade of New Bern no longer existed, Gaston, while admitting it had diminished, cited figures and statistics to prove that it was still considerable. His arguments were in vain, however, for borough representation was abolished. The next question confronting them was Negro suffrage, concerning which Gaston remarked that the hardship lay in depriving this race of something it had had for a long time. He spoke for another minority cause, because the vote was taken away from the free Negroes, and a later attempt by him to introduce an amendment allowing those to vote who had a certain amount of property was defeated by a vote of 64 to 55.

When the real object of the convention was reached, that of providing a more equitable system of representation, his plan was adopted by which each county sent two men to the senate, and representation in the house was figured

<sup>43</sup> *New Bern Spectator*, Jan. 23, 1835.



according to population, as in the federal system. Gaston opposed the exclusion of slaves from this count, declaring that they were members of society. Easterners were fearful lest the Westerners, having gained control of the assembly, would launch wild schemes of internal improvement. Gaston thought their fears were groundless, although declaring for state improvement. He concluded his plea for better representation by saying:

. . . There is much in North Carolina to respect and love. In no land is justice administered with greater purity. . . . In none is there a more orderly and kind and well disposed population. It is emphatically the Southern land of steady habits. . . . But I wish to serve, and disdain to flatter her. . . .

If the only sure foundation of rational liberty be the virtue of the people, the best safeguard of that liberty is to be found in their intelligence. . . . Not a little has been done lately in the cause of education . . . but no efficient plans have yet been adopted for defusing information throughout the land, and bringing it home to the poor and humble. . . . If righteousness exalt a nation, moral and religious culture should sustain and cherish it.

Gaston also was in favor of biennial sessions of the assembly, observing that this "would give the country one year of repose from electioneering strife and its tricks. From years end to years end the people are now so teased with importunate solicitations for their favor that they have no time to reflect on the merits of their various lovers." His wish was shared by eighty-five members of the convention, while but thirty-five were in opposition.<sup>44</sup> He was opposed to making the election of the governor dependent upon the people's vote instead of the legislature's, observing that the governor's only political power was in granting pardons, and that all required of him was that he be a gentleman in character and manners. But he was overruled on this point. Another reform was the proposition to take from the legislature the power to grant divorces. Concerning this Gaston felt it was ridiculous that a legislature should act in this capacity as it could not ascertain the circumstances in all cases, and told the story of a couple who were divorced by the legislature without their knowledge, because the deed was done by a friend who felt sure they both desired it. "How would you feel," he asked amid shouts of laughter, "if, on going through

<sup>44</sup> *Proceedings and Debates of the Convention of North Carolina Called to Amend the Constitution . . . 1835*, p. 176.



the proceedings of the legislature, you discovered you were no longer married to your wife."

From June 25 to July 2 the convention considered the thirty-second article, which provided that no person could hold an office in the State who did not believe in the truth of the Protestant religion. Debate was bitter and ignorance ran riot. One of the delegates "wished it kept as Sleeping Thunder, to be called up when necessary to defeat some deep-laid scheme of ambition."<sup>45</sup> There were not even five hundred Catholics in the State.

On June 30 a rumor spread through the town that Gaston would speak, and as a result the galleries and floor were packed. One of the correspondents at the event heard all about him frequent allusions to Gaston, and as the latter entered the hall "a breathless silence pervaded the vast assembly and hundreds of eyes threw their eager gaze upon his expressive countenance."<sup>46</sup> In his grand and scholarly plea for tolerance Gaston declared that the union between church and state allowed rulers to enlarge their dominion by extending it over the minds of their subjects, and asked that either this appendage of an established church be blotted out or else that a church be set up as the church of the State. He described the Catholic faith and gave a sketch of its history. For two days he held their deep attention. A reporter noted that when the judge turned the great versatility of his talents, with the force and energy of his powers, upon the delegates of Orange County [who were most vociferous in opposition] it had appeared that this torrent of sarcasm, wit, and humor would bear down everything before it and in common destruction overwhelm the county of Orange. "I looked around in vain for the instructed," the amused correspondent wrote, "and began to fear that the Pope, in the shape of the Old Boy himself, had spirited them away for abusing the Catholics . . . never was defeat more effectual." Gaston had given, according to this onlooker, a succinct history of the Catholic religion in this country, beautiful sketches of distinguished men and characteristic anecdotes. "We shall never hear its like again," concluded he.<sup>47</sup>

This convention had attracted notice all over the Nation, and the debate over the thirty-second article drew attention

<sup>45</sup> *Ibid.*, p. 244.

<sup>46</sup> *New Bern Spectator*, July 10, 1835.

<sup>47</sup> *Ibid.*



from all sides. The *Raleigh Register* reported that Gaston's speech:

. . . was decidedly the greatest effort which has ever been our good fortune to hear, and surpassed the most elevated anticipation of an audience long sensible to that gentleman's great and merited fame. It will hereafter be ranked among the first specimens of popular oratory that our country has ever produced and be read with delight as long as talents and learning are admired. But the rich and finely modulated intonations of his voice must be lost to all who did not witness. . . .<sup>48</sup>

This reference in the *Register* was copied by the *New York Register and Diary* and in many other papers, while most of them made some sort of comment on the speech. There came high praise to him from such men as Chancellor Kent, who "highly approved of its logic and admired its whole texture, taste, candor, and eloquence."<sup>49</sup> Even his opponents in the convention paid high tribute to him, hastening to say that their remarks about Catholics were not reflections upon himself, and one stated that when the people of his county had read the masterpiece their dark ignorance upon the subject of Catholicism would be dispelled and their prejudice dissipated. Judge Toomer paid a singular tribute to Gaston, whom he admired as "profoundly learned in the law, and eminently skilled in the solution of constitutional questions; of irreproachable character and fastidiously scrupulous in matters of conscience." Others spoke in the same vein, but the most that could be done to erase this constitutional permission of intolerance was that the word "Christian" was substituted in this article for the word "Protestant."

The constitutional amendments proposed were ratified by a majority of 5,165 votes. Before ratification by the people had been accomplished, Gaston expressed himself privately to a friend on the amendments. He felt that the system of representation was more liberal to the East than it would be in the future, that the public liberty was materially secured by the provisions to the judiciary, and that although there might have been delicacy and difficulty concerning the issue of the free Negro suffrage he believed his own stand correct. He was dissatisfied with the change in the thirty-second article, saying that "it ought to have guaranteed the most unlimited freedom of opinion just as long as they did

<sup>48</sup> July 7, 1835.

<sup>49</sup> Kent to Gaston, Nov. 26, 1835. Gaston MSS.



not disturb the peace of society," but that politicians "found that here was a fund of ignorance and prejudice which might be made to operate to their immediate advantage." He felt, however, that the amendments should be ratified.

At Princeton that fall Gaston attacked some of the prevalent evils of the day, especially the spirit of lawlessness, lynch-law, and mob rule which prevailed in the West and Southwest; the spirit of bigotry which had been witnessed in a city surrendered for days to arson and outrage; and finally, the growing viciousness and irresponsibility of the press. He thought that other countries would not think much of our institutions if distinguished men, known only as our leaders, were indiscriminately held up to scorn. He concluded by warning that "if our country cease to be the land of law, order, and freedom, our name will cease to be revered. . . . Our country will remain . . . if the soul of national freedom be kept alive."

Chief Justice John Marshall died in 1835 and in North Carolina there was but one name mentioned to succeed him, that of Gaston. Friends of the two claimed that Marshall had often stated that he would retire if he could be sure that Gaston would be appointed in his place. Other papers in the country, such as the *New York Courier*, the *National Gazette*, and the *Georgia Courier* advocated his appointment. Webster stated that he was the only one who could take Marshall's place. President Jackson, however, gave the place to Roger B. Taney, a friend of Gaston's, in recognition of a political debt to the man from Maryland.

The last national affair in which Gaston took an active interest saw the Whig triumph of 1840. He was disappointed at the nomination of General William Henry Harrison, confessing that he did not feel the same interest as he would have had if Clay had been nominated, although he felt that a Whig victory was probable. Although very desirous of a Whig victory, Gaston would not take an active part in the campaign, claiming that the people wished their judges to keep aloof from political contentions.<sup>50</sup> With the Whigs in control of the State he became their choice for United States Senator. Several public characters urged his acceptance. To all these importunities he returned a steadfast refusal; his reply to one was characteristic:

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<sup>50</sup> It was during this campaign that the state song, "The Old North State," the words of which were composed by Gaston, was first played publicly.



My duties now are important to the public welfare as any. . . . To give a wholesome exposition of the laws, to settle the fluctuations and reconcile the seemingly conflicting analogies of judicial decisions; to administer justice in the last resort with a steady hand and an upright purpose, appears to me to be among the highest of civil functions. And so long as God spares me health and understanding to perform these faithfully, how can I better serve my country.<sup>51</sup>

After the North Carolina Senators, Mangum and Graham, arrived in Washington they informed Gaston that the state's Congressional delegation intended to call the President's attention to the fact that a high federal office was due them. If he offered either the post of Secretary of State or that of Minister to England or France they would recommend him for the place. Gaston replied to them at once, with an absolute refusal to be so considered.

On January 23, 1844, while sitting on the bench of the supreme court Gaston had a heart attack and was taken to his office. Later he recovered and as his friends crowded into the room, an air of hilarity succeeded that of anxiety. As he was telling one of his notable stories, however, he sat up suddenly to emphasize a point, but sank back with a groan, and in five minutes was no more. His death shocked and pained the entire State, while expressions of regret came from all over the country. The *New York Freeman's Journal* stated that "few men in our country had secured to a greater extent the esteem of all classes of his fellow citizens." The *Tarboro Press* remarked that "his political career, and his eminent judicial services, are portions of the history of the State; his fame, the common property of the country, will be cherished as a jewel of rare lustre and inestimable value." So ran comment from public and private sources.

Although it may be difficult to estimate his place in the history of the Nation because of his unique refusal to accept national offices (it is certain that he would have reached the prominence and fame of Webster, Clay, or Calhoun had he accepted such offices), it is certainly no task to form an opinion of his place in the history of North Carolina. His many public services, culminating in his ten years in the supreme court, place him in the first rank of her statesmen. His decisions in the court, his public utterances and actions, concerning the status of the slave and the free Negro, give him the right to be considered as a great humanitarian;

<sup>51</sup> Gaston to Bynum, Oct. 31, 1840. Gaston MSS.



other decisions attest his right to be called a great jurist; while his fight for religious liberty and tolerance allow a claim that he be enthroned with other such defenders of this cause as Jefferson. His speeches and decisions may be studied by English classes and scholars as models of the language. These works must be classed as the highest form of literature in the state of North Carolina, for they were admired as such by his contemporaries all over the country. Edward Everett and a host of other New Englanders attested to this. With his daughter, Susan, all North Carolinians may proudly say "his name is a great inheritance," and the town of New Bern, where he was born, lived, and is buried may repeat and remember what their ancestors said almost a hundred years ago "We will cherish his memory and teach our children to emulate his example, and to impress upon their children's children, to the latest generation . . . that our town was the birth-place and home of GASTON."



# WILLIE JONES OF HALIFAX

By BLACKWELL PIERCE ROBINSON

## Part II

Willie Jones was destined to play an even more integral part in solving the affairs of the young state of North Carolina. In March, 1777, elections were held for the first legislature under the new constitution. He again represented Halifax at this session, which met at New Bern, April 7.<sup>159</sup> Also present were most of the prominent citizens of the new State. Though Samuel Johnston and Joseph Hewes were defeated "as the leaders of the late aristocratic movement," William Hooper, Archibald Maclaine, and James Coor—of the same political complexion—retained their seats. Samuel Ashe was elected speaker of the senate and Abner Nash, speaker of the house. Yet above all these towered Willie Jones as "the recognized leader of the men who really controlled public affairs in North Carolina."<sup>160</sup> Again he took a leading part in conducting the legislative affairs of the State, serving on several important committees.

Having launched the State upon the sea of independence, the assembly, after reelecting Caswell governor, adjourned after a month's session.<sup>161</sup>

He again represented Halifax County at New Bern when the general assembly reconvened November 15, 1777.<sup>162</sup> Perhaps his most important single function at that session was his work as a committeeman "to prepare and bring in a Bill for establishing Courts of Justice in this State."<sup>163</sup> These courts had been suspended since 1773. Being a recognized parliamentarian and grammarian, he was appointed to a committee to correct and revise the journals of the last session of the assembly,<sup>164</sup> and a joint committee to report "What Bills of General and public concern it will be necessary to prepare and bring into this session."<sup>165</sup>

<sup>159</sup> *State Records*, XII, 1.

<sup>160</sup> Moore, *History of North Carolina*, I, 239. Moore erroneously includes Allen Jones as one of the defeated "leaders of the late aristocratic movement." Jones was, however, duly elected and sworn in (*State Records*, XII, 2, 18).

<sup>161</sup> *State Records*, XII, 113.

<sup>162</sup> *State Records*, XII, 255.

<sup>163</sup> *State Records*, XII, 263.

<sup>164</sup> *State Records*, XII, 267. These journals, after correction, were sent to James Green, Jr., to be printed. They were returned to Jones at Hillsboro in July 1778. *State Records*, XIII, 463. Letter from James Green, Jr. to Willie Jones.

<sup>165</sup> *State Records*, XII, 289.



In the field of finance he served on a committee to amend an act to levy an assessment tax;<sup>166</sup> on a committee to take into consideration the allowances made to the governor, the councillors of state, and the delegates to the Continental Congress;<sup>167</sup> and the committee to collect claims connected with the land office of Earl Granville.<sup>168</sup> He also served on the joint committee to bring in a bill for erecting a state house, treasurer's office, land office, and secretary's office, "in the most convenient and central part of this State."<sup>169</sup> Aside from serving on numerous other committees,<sup>170</sup> he introduced a bill "for making provisions for the poor,"<sup>171</sup> and very inexplicably voted "nay" on a bill "to enable the house-holders in the Counties mentioned to vote for Senators to represent them in General Assembly."<sup>172</sup>

It was during this year that several honors were conferred on him. Soon after the new court law went into effect, the council of state appointed him a judge of the courts and sessions of the peace, oyer and terminer, and general jail delivery for the district of Halifax.<sup>173</sup> In addition to this appointment, the council in September, 1777, appointed him a recruiting officer for his district to raise new recruits for the militia.<sup>174</sup> Shortly afterward a new county was named in his honor.<sup>175</sup>

In the assembly which met in New Bern, April 14, 1778, and in a short session which met at Hillsboro, he represented the borough of Halifax.<sup>176</sup> Still dominating the house of commons,<sup>177</sup> he served on many committees of importance.<sup>178</sup>

Still interested in the Indian question, he presented a bill for "quieting and securing the Tuscarora Indians and others claiming under the Tuscaroras in the possession of their lands."<sup>179</sup> Due to the scarcity of food supplies for the people and the army in North Carolina, he presented a bill to prevent the exportation of beef, pork, bacon, and Indian

<sup>166</sup> *State Records*, XII, 405.

<sup>167</sup> *State Records*, XII, 433.

<sup>168</sup> *State Records*, XII, 439-440.

<sup>169</sup> *State Records*, XII, 286-287.

<sup>170</sup> *State Records*, XII, 267, 279, 319, 400, 401, 415.

<sup>171</sup> *State Records*, XII, 337.

<sup>172</sup> *State Records*, XII, 380.

<sup>173</sup> *State Records*, XXII, 907.

<sup>174</sup> *State Records*, XXII, 929.

<sup>175</sup> Ashe, *History of North Carolina*, I, 643-644.

<sup>176</sup> *State Records*, XII, 656, 816.

<sup>177</sup> Nevins, *American States*, p. 364.

<sup>178</sup> *State Records*, XII, 658, 665, 667, 668, 680, 772, 778, 790, 821, 824, 835.

<sup>179</sup> *State Records*, XII, 696.



corn,<sup>180</sup> which bill has been criticized as "unjustifiable in the blow it dealt the trade of North Carolina."<sup>181</sup> He presented this bill, however, in an effort to alleviate the situation in North Carolina, in spite of the fact that it would cripple his own profits. Another example of his altruism is manifested in his vote against an increase in the salaries of the members of the general assembly to forty shillings "for each day's service."<sup>182</sup>

In the three sessions of the legislature of 1779,<sup>183</sup> no man seems to have served on so many important committees as he. These sessions were quite naturally absorbed almost entirely in ways and means of prosecuting the war. As might be expected, he was prominent in the various committees concerned with such legislation. A detailed list of these would scarcely be of avail, but a few of the more important ones may be mentioned. In the various sessions of this year, he served on such committees as the joint committee to take into "Consideration the case of our Continental officers and making a provision for the same";<sup>184</sup> the committee "to Examine into the quantity of Public Tobacco on hand, and to desire ways and means for paying for a quantity of Cannon Imported in the Ship Holy Jesus";<sup>185</sup> the joint committee "to devise ways and means to supply this State with Arms and Ammunition, with the greatest expedition and economy possible";<sup>186</sup> and a committee to raise men to march south.<sup>187</sup> As in 1777 and 1778, he served on important financial committees. He moreover presented a bill to establish state loan offices to borrow money to defray the expenses of the war,<sup>188</sup> and soon thereafter served on a committee to prepare such bills of a "Public Nature as are necessary to be passed into law."<sup>189</sup> He also voted to raise the tax from two to three pence on each pound value of taxable property.<sup>190</sup> The other committees on which he served were manifold.<sup>191</sup>

<sup>180</sup> *State Records*, XII, 725.

<sup>181</sup> Nevins, *American States*, pp. 364-365.

<sup>182</sup> *State Records*, XII, 737.

<sup>183</sup> The first session met at Halifax, January 19, 1779 (*State Records*, XIII, 625); the second at Smithfield, May 3 (*State Records*, XIII, 784); and the third at Halifax, October 18 (*State Records*, XIII, 913).

<sup>184</sup> *State Records*, XIII, 820.

<sup>185</sup> *State Records*, XIII, 632.

<sup>186</sup> *State Records*, XIII, 639.

<sup>187</sup> *State Records*, XIII, 706.

<sup>188</sup> *State Records*, XIII, 808.

<sup>189</sup> *State Records*, XIII, 795.

<sup>190</sup> *State Records*, XIII, 708.

<sup>191</sup> *State Records*, XIII, 628, 630, 635, 650, 653, 657, 663, 668, 675, 678, 679, 691, 710, 801, 802, 915, 920, 921, 922, 923, 924, 940, 965, 967.



The year 1780 marks his emergence into the affairs of the country as a whole, though he had previously received two marks of recognition from the Continental Congress. On April 30, 1780, he was elected a delegate to this Congress at Philadelphia.<sup>192</sup> It would seem no less than the irony of fate that his arch-rival, Samuel Johnston, was also elected to this same body.<sup>193</sup> This apparent compromise in the party divisions which had existed since 1776 was probably provoked by the imminent danger of British invasion from the south.<sup>194</sup>

On June 22 he presented the credentials of the delegates from North Carolina.<sup>195</sup> Evidently his acquaintance with frontier problems had preceded him, for he was soon appointed to a committee to confer on Western frontiers.<sup>196</sup> A short time afterward he served on a committee to "take into consideration the State of South Carolina and Georgia."<sup>197</sup> He also served on eight other committees during his six month's stay in Philadelphia.<sup>198</sup>

It appears, however, that he was far more interested in affairs at home than in Philadelphia. As far back as September 5, 1780, he wrote Samuel Johnston that he was "very anxious to return to No. Carolina" and asked Johnston to "be so kind as to relieve me as soon as your Convenience will permit—pray do not deter it by any means longer than the last of October."<sup>199</sup> This prayer was not answered, however, until sometime in December. He left, accordingly, on December 13.<sup>200</sup>

Shortly after his return to Halifax, he heard reports of General Nathanael Greene's encounter with Lord Cornwallis at Guilford Courthouse and of the action of the colonial officers, who did not acquit themselves "with much more reputation than their men:" in fact, "not enough of them remained in camp after the action to command the men that were left." As a consequence, he immediately offered his services to General Greene and was given the commission of a lieutenant-colonel in a regiment of officers and

<sup>192</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.

<sup>193</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi. Johnston, however, did not take his seat until December 29, several days after Jones's departure from Philadelphia.

<sup>194</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.

<sup>195</sup> *Journals of the Continental Congress 1774-1789*, XVII, 543.

<sup>196</sup> *Journals of the Continental Congress 1774-1789*, XVII, 560.

<sup>197</sup> *Journals of the Continental Congress 1774-1789*, XVII, 677.

<sup>198</sup> *Journals of the Continental Congress 1774-1789*, XVII, 797; XVIII, 819, 869-870, 988, 1022, 1072, 1094, 1098.

<sup>199</sup> Willie Jones to Samuel Johnston, Philadelphia, Pa., September 5, 1780 (Johnston MSS.—Hayes Library, Edenton, N. C.)

<sup>200</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.



300 men commanded by Colonel Reade.<sup>201</sup> This new regiment of cavalry joined General Greene in pursuit of Cornwallis, who was making a rapid retreat to Wilmington.<sup>202</sup>

An account of this pursuit was written by Thomas Gilchrist, Willie Jones's brother-in-law, as follows:

Willie Jones wrote a very flattering account a day or two before the pursuit ended. He says Lord Cornwallis is retreating rapidly towards Cross Creek, but is greatly impeded by getting his baggage forward, with sick and wounded, etc. We expect to come up with them in a day or two, and to take part, if not the whole British army; at least, we will recover our artillery.<sup>203</sup>

At this point, however, Greene suddenly changed his tactics and decided to abandon North Carolina and move south, with the hope of crushing Lord Rawdon.<sup>204</sup>

Fearing an attack on Halifax, Willie Jones returned home.<sup>205</sup> Nor were his fears unwarranted. Cornwallis left Wilmington at the end of April and marched northward, his advance guard, under Lieutenant Colonel Tarleton, reaching Halifax on the 6th or 7th of May,<sup>206</sup> where he encountered a large force of militia commanded by Governor Nash and General Allen Jones.<sup>207</sup> After remaining in Halifax two or three days, Tarleton was joined by Cornwallis on his way to Petersburg and then Yorktown and defeat.<sup>208</sup>

About a month after Cornwallis' march through Halifax—June 24, to be exact—Willie Jones was nominated for governor of North Carolina by the house of commons which was meeting at Wake Courthouse.<sup>209</sup> Two days later, however, Thomas Burke had been duly installed as governor.<sup>210</sup> On

<sup>201</sup> McRee, *Iredell*, I, 498-499. Thomas Gilchrist to James Iredell.

<sup>202</sup> Moore, *History of North Carolina*, 315-316; J. Benson Lossing, *The Pictorial Field-Book of the Revolution*, II, 407.

<sup>203</sup> McRee, *Iredell*, I, 499. Thomas Gilchrist to James Iredell.

<sup>204</sup> Moore, *History of North Carolina*, I, 316. In writing of the plan, on April 11th, Greene referred the receiver of the letter to Willie Jones for "further information respecting my plan and reason for my present movement," explaining that "letters being frequently intercepted prevents my being more particular." (*State Records*, XV, 435-436). The editor of the *State Records* supposes this letter to have been written to Governor Thomas Burke [Gen. Nath Greene to Gov. Burke (?)]. It seems more likely to have been written to Abner Nash, who was at that time governor; Burke was not elected to that position until June 25 (*State Records*, XVII, 809) and took office the same day (*State Records*, XVII, 899-900).

<sup>205</sup> This is assumed on the basis of the letter quoted in the foregoing footnote and by the fact that no further mention is made of him in the armed forces of General Greene.

<sup>206</sup> Banastre Tarleton, *A History of the Campaigns of 1780 and 1781 in the Southern Provinces of North America*, pp. 286-287.

<sup>207</sup> The whereabouts of Willie Jones at this time are unknown, but it is probable that he was among this militia collected for defence.

<sup>208</sup> McRee, *Iredell*, I, 503-504; Henry B. Carrington, *Battles of the American Revolution*, p. 569.

<sup>209</sup> *State Records*, XVII, 798. The other nominees were Abner Nash, Samuel Johnston, Samuel Ashe, and John Williams.

<sup>210</sup> *State Records*, XVII, 899-900.



the next day, Jones was appointed to the council of state, and was elected by the general assembly.<sup>211</sup>

He did not immediately take up his duties as councillor, because he was delayed "by his attention to the movements of the enemy." Burke, however, by the middle of July, was most insistent that he come to Wake Courthouse "as soon as possible."<sup>212</sup> Two days later Burke complained that "the Council seem utterly regardless of this Country, Not one has yet met except Gen. Butler, nor have I heard from any except Willie Jones."<sup>213</sup> Burke was no doubt referring to a letter from the latter, written two days previously, in which he thus accounted for his delay:

On the 14th inst. an Express came to Halifax from Virginia, to inform us that the British Horse were on their march from Petersburg for this place by the Way of Hick's ford [Greenville County, Virginia]. That Night I reconnoitred almost to the Ford, until I discovered the Information was groundless. On the 16th I was prepared to sett off for Wm. borough agreeable to your Summons, when another Express arrived, purporting that the British Horse were at Lunenburg Court House on Sunday Morning, that their Rout from thence was Brunswick Court House, Hick's Ford, Halifax and then the Pitch Landing, and that Night I also employed in reconnoitring. Being much fatigued, and moreover much distressed by the Situation of my Family, I was induced to defer my Departure from Halifax. Last Night we got Intelligence that the Enemy marched by the Way of Brunswick Court house, and arrived between ten and twelve o'Clock yesterday, at Hick's ford about 300 strong. We have been assured that they had 500 Men at Lunenburg; possibly some of them may have crossed Roanoke higher up than this, or have taken another Rout down the Country. I can't find any sufficient Object to draw them to Halifax, yet they are confidently expected to be here in two or three Hours. Perhaps they wish to plunder the Town this Trip; for young Mr. Long, who reconnoitred almost to Brunswick Court house, says they sweep everything before them now.<sup>214</sup>

The "British Horse" he feared was undoubtedly Colonel Tarleton's legion cavalry and eighty mounted infantry which had been ordered by Cornwallis July 9 to Prince Edward Courthouse "and from thence to New London in Bedford County," and which was returning to join Cornwallis at Suffolk, July 24.<sup>215</sup>

<sup>211</sup> *State Records*, XVII, 812. The other members were Philemon Hawkins, Spruce McCoy, Benjamin Seawell, John Penn, John Butler, and Edward Jones.

<sup>212</sup> *State Records*, XV, 548. General Thomas Burke to General Allen Jones, July 18th, 1781.

<sup>213</sup> *State Records*, XV, 556. Governor Thomas Burke to General Sumner, July 20th, 1781.

<sup>214</sup> Willie Jones to Thomas Burke, Halifax, N. C., July 18, 1781 (MSS, North Carolina Historical Commission archives, Raleigh, N. C.).

<sup>215</sup> Tarleton, *Campaigns*, pp. 353-359. There is no record of even a British scouting party which visited Halifax at this time.



Evidently realizing that the above rumor was false, he soon departed for Williamsborough in Granville County where he arrived July 23 and "qualified agreeably to Law" as councillor of state.<sup>216</sup> The next day Governor Burke laid before the council the alarming state of "our public situation,"<sup>217</sup> and sought to improve conditions by urging the enactment of five omnibus propositions of a vigorous nature.<sup>218</sup> It is indicative of the wisdom of these proposals and of the influence of Governor Burke that his propositions were approved almost to the letter.<sup>219</sup> After a four day session, the council adjourned.<sup>220</sup>

It was between this sitting of the council and the one which met September 19 that the unfortunate Governor Burke was captured in Hillsboro by the notorious Tory, Colonel David Fanning, on September 12.<sup>221</sup>

When the council met on October 5, however, Alexander Martin, speaker of the senate, appeared and took the oath of allegiance "as Governor, Captain-General and Commander-in-Chief in and over the State for the time being," due to Burke's imprisonment in Charleston.<sup>222</sup>

Shortly afterwards, Burke appealed to Willie Jones in a series of very interesting letters, written while a prisoner at Wilmington and later on James Island, near Charleston, to which place he had been paroled. From the former place, he informed him that he had been furnished with "a bed, some furniture, and a negro wench . . . and some money, all which enabled me to keep Bachelor's quarters, but so different from all that I had ever kept before that I now never have any company and though shut up in a Seraglio, I am almost as difficult of access as His Majesty of Constantinople."<sup>223</sup>

After frequent vain appeals, Governor Burke made his escape in January, 1782, justifying breaking his parole on the basis of the outrageous treatment inflicted on him by the

<sup>216</sup> *State Records*, XIX, 855.

<sup>217</sup> *State Records*, XIX, 855.

<sup>218</sup> *State Records*, XIX, 856-869. These propositions were set out under the heads of (1) Military Arrangements, (2) Civil Arrangements, (3) Revenue Arrangements, (4) Abuses and Remedies, and (5) Execution of laws passed in the Assembly.

<sup>219</sup> *State Records*, XIX, 856-869.

<sup>220</sup> *State Records*, XIX, 868. This is assumed by the fact that the *Journal* of this session stops here.

<sup>221</sup> [John H. Wheeler], *The Narrative of Colonel David Fanning (A Tory in the Revolutionary War with Great Britain): Giving an Account of His Adventures in North Carolina, From 1775 to 1783, As Written by Himself, with an Introduction and Explanatory Notes*, pp. 32-33; Caruthers, *Revolutionary Incidents*, pp. 206-207.

<sup>222</sup> *State Records*, XIX, 869.

<sup>223</sup> Governor Thomas Burke to Willie Jones, Wilmington, N. C., October 17, 1781 (Thomas Burke Letter Book, 1781-1782, North Carolina Historical Commission archives). See also a letter of Burke's in the same collection, dated January 13, 1782 from James Island, S. C.



British.<sup>224</sup> On his return to North Carolina, he was greatly censured for this act and for his resumption of gubernatorial power from February until the assembly met in April. He maintained, nevertheless, the confidence of men like William R. Davie, Samuel Johnston, William Hooper, James Iredell,<sup>225</sup> and Willie Jones. That Burke greatly respected the latter is seen by the fact that he made Jones and James Hogg sole executors and guardians of his daughter and provided that if she died under twenty-one, or without issue, his entire estate was to go to the descendants of these two executors.<sup>226</sup>

In the meantime Willie Jones attended another meeting of the council of state held at Halifax, December 20, 1781, three months after Cornwallis's surrender. As might well be expected, the tone of this meeting was far different from that of the preceding ones. The acting-governor, Martin, described the prospects for the future as being "truly flattering and seem to presage a peace with our last restless Enemy." The council adjourned after approving the governor's recommendation that the commissions of oyer and terminer, goal delivery, and general sessions of the peace be issued for the trial of "Traitors and other Criminals," and after endorsing the governor's suggestion that the general assembly be called prior to the annual election on April 10.<sup>227</sup>

Due to Burke's resumption of the reins of government, however, the general assembly did not hold its proposed session previous to the election. As a result of this election, Willie Jones was chosen to represent the county of Halifax in the senate, which convened April 15 at Hillsboro.<sup>228</sup>

Though nominated again to the council of state by the house of commons, he was not elected to this office. He thus devoted his activities to matters of legislation and was immediately appointed to the committee of privileges and elections,<sup>229</sup> and the committee to act jointly with a similar committee of the lower house to prepare and bring in bills they thought necessary and proper.<sup>230</sup>

The inconvenience of having no fixed seat of government and no proper accommodations for the assembly having been felt for a number of years, the legislature finally turned its

<sup>224</sup> *State Records*, XVI, 184-186. Governor Thomas Burke to General Nathanael Greene.

<sup>225</sup> Hamilton, in *North Carolina Booklet*, VI, 119.

<sup>226</sup> McRee, *Iredell*, II, 44 (William Hooper to James Iredell); *State Records*, XVIII, 125 (Archibald Maclaine to George Hooper).

<sup>227</sup> *State Records*, XIX, 875-878.

<sup>228</sup> *State Records*, XIX, 1-2.

<sup>229</sup> *State Records*, XIX, 5.

<sup>230</sup> *State Records*, XIX, 5.



mind to planning a permanent seat of government. On May 9 a committee was accordingly appointed by both houses to consider the expediency of selling the old public buildings at New Bern, the seat of the colonial government. Jones served on this committee<sup>231</sup> and on a committee of "Propositions and Grievances."<sup>232</sup>

His chief concern, however, in this and in subsequent assemblies was the question of the confiscation of tory property—a question which long harrassed North Carolina.

Independence had been formally recognized by Great Britain when next the assembly met. Yet this long-desired recognition was by no means the end of all the State's troubles. Adjustments to a new order of things called for statecraft of a superior nature.

Not the least of the problems was that of the tories—a problem in which he and other North Carolina statesmen had long been interested. Indeed, internal strife with these loyalists was perhaps more bitter in North Carolina than in any other of the American states. The first legislation adopted against this minority group was the passage of a test act in 1776 which held out the alternative of allegiance to the State or banishment.<sup>233</sup> The next year the assembly adopted the expedient of confiscation, but provision for such a measure was not enacted until January, 1779, when Willie Jones, representing the committee appointed for the purpose,<sup>234</sup> presented a bill to carry into effect this act "for confiscating the property of all such persons as shall not within a certain time, therein mentioned, appear and admit to the State, whether they shall be received as Citizens thereof."<sup>235</sup>

The first of a long series of confiscation acts, it was followed in November of that year by a more vigorous act which not only provided for a general confiscation, but also listed a great number of the more prominent tories, such as William Tryon, Josiah Martin, Edmund Fanning, Henry Eustace McCulloh, and John Hamilton.<sup>236</sup> The severity of this act prompted fifteen members, led by Willie Jones, to enter a vigorous protest, declaring it involved "such a Complication of Blunders and betrays such ignorance in legislation

<sup>231</sup> *State Records*, XIX, 87.

<sup>232</sup> *State Records*, XIX, 72.

<sup>233</sup> *Colonial Records*, X, 476; Wagstaff, *State's Rights*, 12.

<sup>234</sup> *State Records*, XIII, 668.

<sup>235</sup> *State Records*, XIII, 688-689.

<sup>236</sup> *State Records*, XXIV, 263-264; R. D. W. Connor, *History of North Carolina*, I, 430.



as would disgrace a Set of Drovers."<sup>237</sup> The protest declared this act violated not only the Treason Act of 1777, but also the confiscation act of January, 1777, which made provision for "such unfortunate and Innocent Wives and Children resident in the State, who had been abandoned by their Fathers and Husbands, and also for aged parents in particular cases." The protest continued in the adroit language for which he was so famed:<sup>238</sup>

That we may not draw down upon our Heads the Curses of the unfortunate, helpless, innocent sufferers above referred to, we declare that we war not against such aged parents or against Women and Children, more especially being, as in this Case, our fellow Subjects; and in this public manner testify our Disapprobation.

In mere Modesty and Humility, and that no merit may be imputed to us as Members of the House of Commons on account of the bright Display of Wisdom, Virtue, and Humanity exhibited by the General Assembly in this masterly performance, we enter this our protest.<sup>239</sup>

Thus he sided with the conservatives on one of the most important issues of the day. Nor did he forsake this stand when North Carolina was rent asunder over the clause in the treaty of 1783 which provided that Congress should recommend to the several states the restitution of this confiscated property to its original owners. Such a clause necessarily caused great alarm in North Carolina, since the State had itself received vast sums as a result of the confiscation acts and had furthermore guaranteed the title of the property thus sold.<sup>240</sup>

As might be expected, the cleavage in political alignments widened appreciably. The radicals, now in a large majority, were in no conciliatory mood and refused to accede to the obligations incurred by the action of the Continental Congress in ratifying the Treaty of Paris.<sup>241</sup> Contrary to one statement,<sup>242</sup> Jones did not lead his party in this contest, but instead was allied with the conservative element, headed by Iredell, Hooper, Johnston, and Maclaine. These men, endeavoring to sustain the honor of the new government, "galantly attempted to lift its banner while yet unsullied by the infamy of a refusal to comply with the terms of its

<sup>237</sup> R. D. W. Connor, *History of North Carolina*, I, 430-431.

<sup>238</sup> McRee, *Iredell*, II, 82.

<sup>239</sup> *State Records*, XIII, 991-992.

<sup>240</sup> William K. Boyd, *History of North Carolina: The Federal Period*, II, 8-11.

<sup>241</sup> Wagstaff, *States Rights*, p. 14.

<sup>242</sup> Wagstaff, *States Rights*, p. 14. Dr. Wagstaff asserts that the Radicals were led by Willie Jones in this fight.



virgin treaty, and to plant it in a rock." In this "honorable work," McRee continues, "they were not unaided by many of the purest and best of those from whom they generally, politically, dissented: of this the most prominent was Willie Jones, the 'most adroit statesman, in the opinion of his party, in the State.'"<sup>243</sup>

Jones, indeed, was among those more conservative men who supported "warmly" the cause of the loyalists, "but without other effect than a great diminution of their popularity."<sup>244</sup> Regardless of popular opinion, he threw his weight into a cause which proved to be unsound political strategy for him. Though an incident small in itself, such a stand as he took at this time reveals that here was no demagogue or office-seeker, but a man who, in the courage of his convictions, championed a cause which he knew to be detrimental to his political career. And indeed it did cripple him temporarily: he was not elected to the general assembly in 1783.

This defeat, however, did not cause him to relent in his efforts to insure what undoubtedly appeared to him to be the just cause. In spite of this unpopular sympathy for the loyalists, he was in 1784 elected to the senate, which met April 19.<sup>245</sup> Immediately he was appointed to a grand committee, composed of members of both houses, to examine and report on the governor's message and other state papers, and "to consider what Bills of a public nature are necessary to be passed into Laws . . . and to prepare and bring in the same."<sup>246</sup> The committee reporting on the governor's message recommended that it be concurred with *in toto* and, after a long debate, paragraph by paragraph, it was passed, except that section relating to Article 5 of the Treaty of Paris, which recommended the return of confiscated property.<sup>247</sup>

This section was the subject of a prolonged debate in which he took a prominent part. As far back as the general assembly of January, 1779, he had been interested in this problem, having served on the joint committee to consider the memorial of James Iredell in behalf of Henry Eustace McCulloh.<sup>248</sup> The efforts of this loyalist, McCulloh, to

<sup>243</sup> McRee, *Iredell*, II, 81-82.

<sup>244</sup> McRee, *Iredell*, II, 103. James Iredell to Henry Eustace McCulloh.

<sup>245</sup> *State Records*, XIX, 491. The Senate Journal of the spring session is not published; hence, information concerning Willie Jones's activities is gleaned from the House *Journal* and from other sources.

<sup>246</sup> *State Records*, XIX, 501; XVII, 134. Letter from Archibald Maclaine to George Hooper.

<sup>247</sup> *State Records*, XIX, 530-531.

<sup>248</sup> *State Records*, XIII, 691.



recover his vast domain in America, reveal not only Willie Jones's position on the question of the confiscation, but also the general strife between the loyalists and the state of North Carolina.

One of the largest losers of confiscated property in America, Henry Eustace McCulloh, was stripped of his lands as a result of the previously mentioned confiscation act of October, 1779. Upon hearing of this, he entered upon a lengthy correspondence from London with friends and relatives in North Carolina,<sup>249</sup> as a result of which James Iredell presented his memorial before the general assembly of January, 1779,<sup>250</sup> but to no avail.<sup>251</sup> During and after the war, however, McCulloh kept up his correspondence with such sympathizers as James Iredell, Cornelius Harnett, Samuel Johnston, and Willie Jones.<sup>252</sup> In this series of pathetic letters<sup>253</sup> he reiterates such sentiments as his "strong claim on the Justice, Goodness, and Magnanimity of the State," where he hopes "for a Repeal of the Confiscation Acts as far as they may effect me, or my Property;—as the only thing W<sup>ch</sup>. can be justly bro<sup>t</sup>. in charge agt. me, is an inoffensive residence here,—where I was born, and was resident for many years before the War broke out." Maintaining that he had "never opposed, descried, or done, or been concerned in anything hostile, or inimical to America," he wrote Iredell that he had written "two or three friends, who are Messrs. Caswell, W. Jones, B. McC. [Benjamin McCulloh]." <sup>254</sup>

It was most likely in reply to this letter, written to Willie Jones, that the so-called radical wrote McCulloh:

. . . I can't give the least encouragement even to hope a Recovery of any part of your Property, for I believe, in my conscience, it was your property, backed to [*sic*] by the Recommendation of Congress, which brought on the damned Confiscation laws in this State. Your friends, and indeed the wiser and better part of the Assembly (which is the smallest in number) have been opposed to the measure, from first to last, and we, from time to time, made every possible effort to prevent or cripple it, insomuch that we were on several occasions rudely charged with Toryism on the floor, and the different parties very near coming to blows in the Assembly: But the Saints of the Back Country, who are waxed very strong by Division or Subdivision

<sup>249</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, pp. 159-160.

<sup>250</sup> *State Records*, XIII, 691. A copy of this Memorial appears in McRae, *Iredell*, I, 438-441.

<sup>251</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 160.

<sup>252</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, pp. 174-175.

<sup>253</sup> A great number of these letters are to be found in Iredell MSS, Duke University Library.

<sup>254</sup> Henry Eustace McCulloh to James Iredell, Carolina Coffee Shop, London, February 5, 1783 (Iredell MSS, Duke University Library). Particularly interesting also are two letters of a similar nature in the same collection: March 17, 1783 and March 23, 1783.



of Counties, had set their hearts upon your lands and I believe would have persevered until they got them, if it had involved the State in Ruin.—a very considerable part of your lands is already sold, as well as other lands, with very little emolument, I believe, to the Public. The Assembly will not meet again until the Fall, nor am I one of the venerable body; however, tho' I do not hope the least success. I promise you the utmost exertions in my power to serve you on this and other occasions.<sup>255</sup>

Thus the sentiment against confiscation had already crystallized when the fifth clause of the Treaty of Paris came up for debate. The representatives "paid no attention to the recommendations of Congress" and there immediately appeared "a settled resolution against the restoration of any part of the confiscated property." General Rutherford, representing the radicals, argued very illogically that Governor Tryon, Governor Martin, McCulloh, or Sir Nathaniel Duckenfield were not British subjects and therefore did not come under the provisions of the treaty. In the house of commons William Hooper supported Congress's recommendation,<sup>256</sup> "with the most masterly eloquence"; in the senate Samuel Johnston and Willie Jones, "who spoke very sensibly," pleaded for its passage. Though there was "not a word of common sense spoken on the other side," the clause was rejected "by a great majority."<sup>257</sup>

An account of the later developments was written by Jones to Archibald Hamilton, who was then residing in London:

. . . I exhibited to the Assembly a petition, in my own name, on your behalf but could not obtain leave for you, to come into the State and become a citizen, nor any particular indulgence whatever.

There was a meeting of the Assembly in October last, but I was not a member; however, I am told the proceedings were similar to what passed in the former Assembly. A Bill was brought in for the sale of all confiscated property which remained unsold, and to compel all persons indebted to British subjects, who came under the denomination of Refugees to pay the money to the Public, barring all claims of such creditors and the same Bill enacted that real British subjects should have a recovery of their debts some four or five years hence, without interest. The Commons and the Senate disagreed on the subject of

<sup>255</sup> Hill, *The Hill Family*, VIII. Copied from English Records. Audit Office, Class 12, Vol. 34, 109. Class 13, Vol. 103. Bundle 117-121. This letter seems to reveal that Willie Jones was perhaps not so "radical"—certainly in the modern connotation of the word—as one is generally led to believe. It at any rate seems to show that he was a believer in the rights of property.

<sup>256</sup> Archibald MacLaine would have assisted him had he not been "laid up with the gout."

<sup>257</sup> McRee, *Iredell*, II, 99. Samuel Johnston to James Iredell. Other letters giving an account of this debate are found in the same work: Hooper to Iredell (p. 100), Iredell to McCulloh (p. 103).



the debts, and after much altercation so much of the Bill as related to those points were struck off and the remainder passed into Law. . . .<sup>258</sup>

The act in regard to the sale of the remaining loyalist property in the State was immediately executed, as a result of which vast sums accrued to the State.

In accordance with this enactment, Willie Jones himself satisfied a debt of £1,145 10s 3d to the British house of Archibald Hamilton and Co. The largest loser, however, was Henry McCulloh, from whom more than sixty thousand acres were taken, though they did not bring in as large a return as did the lands of another of his tory friends, Sir Nathaniel Duckenfield.<sup>259</sup>

It was not until after the Constitution of the United States had gone into effect that the general assembly declared "the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the land."<sup>260</sup> This ended the attempt to pass further unfavorable legislation against the loyalists, though the courts were slow in "righting the wrongs already committed."<sup>261</sup>

Aside from Jones's activity in regard to tory confiscation in the senate in April 1784, he, Henry Montfort, and Benjamin McCulloh were appointed as commissioners to liquidate the accounts of the officers and soldiers of the Continental line.<sup>262</sup> He resigned from this position the following year, and was succeeded by John Macon.<sup>263</sup>

Since the problem of tory confiscation was still an important issue in state politics, it was probably on account of his position on this problem that he was not elected to the general assembly in 1785 and 1786, though there is no record of his offering himself as a candidate.

In the meantime there was a growing dissatisfaction with the defects of the Articles of Confederation in North Carolina. As might well be expected, the conservatives, still led by Johnston, Iredell, Maclaine, Davie, Hooper, and Allen Jones, received with eagerness the idea of reform in the weak and ineffective Articles. Not so with the radicals, however. The keynote of their position was dictated by their former

<sup>258</sup> Hill, *The Hill Family*, VIII. Willie Jones to Archibald Hamilton, Halifax, N. C., December 30, 1784. Copied from English Records 27, Henry Eustace McCulloh, Bundle 117.

<sup>259</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 174.

<sup>260</sup> *State Records*, XXIV, 885.

<sup>261</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 168.

<sup>262</sup> *State Records*, XIX, 603.

<sup>263</sup> *State Records*, XXIV, 567.



leader, who, after straying from the party temporarily, was again wielding his subtle and powerful influence as head of the radical, particularistic forces in North Carolina. It was he, indeed, who carried the standard for "an independent state democracy administered along fraternal lines and with just so much connection with the other states as to insure peace between them." His influence for the doctrine of particularism was such that the members of his party, "for a number of years, accepted his views as reenacted law."<sup>264</sup>

He had undoubtedly worked out his states rights' philosophy before November 18, 1786, when he was chosen by the general assembly as a delegate to the proposed meeting of the Constitutional Convention at Philadelphia in May, 1787, to revise the Articles of Confederation. The other members chosen were Governor Richard Caswell, Alexander Martin, William R. Davie, and Richard Dobbs Spaight.<sup>265</sup> Three of these—Jones, Alexander Martin, and Richard Caswell—were avowed particularists, while Spaight and Davie were strongly in favor of a more powerful central government.<sup>266</sup>

Having been formally notified of this honor by a letter from Governor Caswell,<sup>267</sup> he sent in his refusal, in which he said: "I think it will not be in my power to attend there at the Time appointed, and therefore must Request that you will appoint some person in my place as a matter of so much importance must necessarily require the fullest Representation."<sup>268</sup>

In spite of the fact that he did not oppose sending delegates to Philadelphia,<sup>269</sup> it may have been political consistency which bade him refuse the appointment, though his refusal may have been due to the fact that the preamble to the act was conservative in sentiment.<sup>270</sup> Perhaps he doubted the success of the move for a stronger federal government, or thought that Caswell, a particularist, would appoint another of that complexion in his place.

Ironically enough, however, the temper of the delegation was materially changed. Doctor Hugh Williamson was appointed to fill the vacancy,<sup>271</sup> while William Blount was appointed by Governor Caswell in his own stead. Both the

<sup>264</sup> Wagstaff, *States Rights*, p. 5.

<sup>265</sup> *State Records*, XVIII, 462.

<sup>266</sup> Wagstaff, *States Rights*, p. 17.

<sup>267</sup> *State Records*, XX, 601 Governor Caswell to Willie Jones. Copied from the Executive Letter Book.

<sup>268</sup> *State Records*, XX, 611. Willie Jones to Governor Caswell. Copied from Executive Letter Book.

<sup>269</sup> Wagstaff, in *Publications of the North Carolina Historical Commission*, Bulletin 28, p. 49.

<sup>270</sup> Wagstaff, *States Rights*, p. 17.

<sup>271</sup> *State Records*, XX, 637.



new appointees were conservatives who favored a stronger union. Thus only one radical was left—Alexander Martin.<sup>272</sup>

It seems most likely, however, that Willie Jones declined this appointment because he felt that he could do far more good at home in exerting his influence in the interests of state sovereignty. Such would appear to be the case in the light of the fact that the Constitution had hardly been submitted to the people when Willie Jones, described by William R. Davie as being "perfectly anti-federal," began to induce the people in Halifax County "to doubt, very generally, of its [the Constitution's] adoption in the present form."<sup>273</sup>

The ensuing campaign for the April elections to the state ratification convention was hotly contested. The opponents of the Constitution, beginning to call themselves anti-federalists, were marshalled under Willie Jones.<sup>274</sup> From Halifax he personally directed the campaign in the eastern and northeastern sections of the State, while his henchmen, Timothy Bloodworth, Joseph Caldwell, Judge Samuel Spencer, and Major Joseph McDowell, superintended it elsewhere.<sup>275</sup>

Nor were the federalists lacking in activity. Led by their old guard, as in 1776 and in the fight over confiscation, they had succeeded in placing Samuel Johnston in the governor's chair, and with this advantage they launched forth on a heated campaign.<sup>276</sup> Though they no doubt realized that they were rapidly losing ground, they put up a good fight. Especially active were Iredell and Davie in distributing federalist literature.

As the weeks and months went by, North Carolina was intensely interested in the actions of the twelve other states, and Virginia in particular, where the forces of anti-federalism were especially strong. A typical expression of this concern was that of Davie, who was considerably perturbed in regard to Virginia, due to the "great deference this State [North Carolina] has been accustomed to pay to the political opinions of the Old Dominion."<sup>277</sup>

In this same letter Davie gives an illuminating account of Willie Jones's activities during these critical days:

<sup>272</sup> Wagstaff, *States Rights*, p. 17; "Federalism in North Carolina," in *James Sprunt Historical Monographs*, Vol. IX, No. 2, pp. 7-8.

<sup>273</sup> McRee, *Iredell*, II, 215. Davie to Iredell, January 11, 1788.

<sup>274</sup> McRee, *Iredell*, II, 232; Boyd, *History of North Carolina*, II, 30.

<sup>275</sup> McRee, *Iredell*, II, 231-233; Boyd, *History of North Carolina*, II, 33; Delbert Harold Gilpatrick, *Jeffersonian Democracy in North Carolina, 1789-1816*, pp. 21-22.

<sup>276</sup> Boyd, *History of North Carolina*, II, 33.

<sup>277</sup> McRee, *Iredell*, II, 217-218. Davie to Iredell, January 22, 1788.



We have nothing worth remarking here, but the dissemination of anti-federal principles. Mr. Jones continues to assail the constitution, and the Virginia Communications have strengthened his party. You know his opinion has great weight here, and that it is easier to alarm people than to inform them.

Colonel Geddy, who is a late convert, has announced himself a candidate for the convention; and is a most furious zealot for what he calls *W. Jones's system* [Italics in original], which is indeed all he knows about it; but he has raised the old cant that 'the poor were to be ruined by taxes, and no security for freedom of conscience, etc.'<sup>278</sup>

The "W. Jones's system" to which Davie referred was indeed a well constructed formula, which, according to W. E. Dodd, called for (1) a free and absolutely independent State, (2) a genuinely democratic administration, (3) a general improvement in educational advantages for the people.<sup>279</sup> While the latter two objectives were undoubtedly sought by him and his lieutenants, there seems to be some doubt as to the first, based on his activities just prior to and during the convention. Dodd states that Jones and his followers advocated "a rejection of all plans of union with other States" and urged the adoption of a policy—"almost identical with that of Henry Clay fifty years later"—which embraced an autarchic system of agricultural, industrial, and transportation improvements.<sup>280</sup> The "Jones system" did involve such a self-sufficient program but, certainly after Virginia's ratification, any idea he might have had in regard to a complete rejection was abandoned.

Indeed, "the decision of Virginia," wrote Davie to Iredell, "had altered the tone of the Anties here very much. Mr. Jones says his object will now be to get the Constitution rejected in order to give weight to the proposed amendments, and talks in high commendation of those made by Virginia."<sup>281</sup>

Of Jones's continued activity, Davie writes:

Mr. Lamb as Chairman of a Committee in New York, which he styles the 'Federal Committee,' has written to Mr. Jones, T. Person, and Tim Bloodworth, recommending them to be steadfast in opposition, and inclosing a large packet of anti-Federal pamphlets to each of them. It is astonishing the pains these people have taken!

<sup>278</sup> McRee, *Iredell*, II, 217-218. Davie to Iredell, January 22, 1788.

<sup>279</sup> Dodd, *Macon*, p. 51.

<sup>280</sup> Dodd, *Macon*, pp. 51-52.

<sup>281</sup> McRee, *Iredell*, II, 230. Davie to Iredell.



Willie Jones felt some mortification in finding himself in the company of Bloodworth and Persons, etc. etc.<sup>282</sup>

Thus, from the above correspondence, it appears that he sought primarily the *second* feature of his "system," "a genuinely democratic administration." Indeed, adhering "to the letter of the Constitution of 1776 and its Bill of Rights,"<sup>283</sup> he and his disciples sought to achieve these same guarantees of personal rights and liberties as embodied in the North Carolina Bill of Rights. This fact is more clearly evidenced in his activities at the North Carolina convention.

This convention met at Hillsboro, July 21, 1788, and in spite of the fact that they had a majority of 100, the anti-federalists conceded to Samuel Johnston the honor of presiding.<sup>284</sup> The 284 members of this convention represented on the whole the most able men in the State. Foremost in the ranks of the federalists were the ever-present Iredell, Johnston, Davie, Spaight, and Maclaine. Yet conspicuous for their absence were Allen Jones, William Hooper, William Blount, and Judges John Ashe and John Williams—all of whom were defeated. The anti-federalist forces were led by Willie Jones, Bloodworth, Caldwell, Spencer, and McDowell.<sup>285</sup>

On the third day of the convention, just after the report of the committee to prepare rules and regulations for the government of the convention,<sup>286</sup> Jones moved "that the question upon the Constitution should be immediately put,"<sup>287</sup> and was seconded by Person. Described as a "tactical error,"<sup>288</sup> this sudden step was justified by its author, because

the Constitution had so long been the subject of the deliberation of every man in this country, and that the members of the Convention had had such ample opportunity to consider it, that he believed every one of them was prepared to give his vote then upon the question; that the situation of the public funds would not admit of lavishing the public money, but required the utmost economy and frugality;

<sup>282</sup> McRee, *Iredell*, II, 231. Perhaps this "mortification" was real, since Willie Jones did not reply, while the latter two did. Louise Irby Trenholme, *The Ratification of the Federal Constitution in North Carolina*, p. 145.

<sup>283</sup> Dodd, *Macon*, p. 52.

<sup>284</sup> Jonathan Elliott, ed., *The Debates in the Several Conventions, on the Adoption of the Federal Constitution, As Recommended at Philadelphia, in 1787*, IV, 1. Hereinafter this work will be cited as Elliott, *Debates*.

<sup>285</sup> Elliott, *Debates*, p. 250; Trenholme, *Ratification in North Carolina*, p. 109.

<sup>286</sup> Elliott, *Debates*, IV, 1-3.

<sup>287</sup> Elliott, *Debates*, IV, 4. This was the first day of his appearance. *State Records*, XII, 10.

<sup>288</sup> Wagstaff, *States Rights*, p. 23.



that, as there was a large representation from this state, an immediate decision would save the country a considerable sum of money.<sup>289</sup>

This motion was promptly opposed by Iredell, and after a brief discussion Jones yielded,<sup>290</sup> after which an extended discussion ensued. David Caldwell then laid before the house "such rules or maxims as ought to be the fundamental principles of every free government," urging that they should be the standards by which to estimate the Constitution. Iredell, however, ably resisted these propositions, and after "some little altercation, they were defeated by a vote of ninety to one hundred and ninety-six."<sup>291</sup>

The anti-federalists—and Willie Jones in particular—"attempted to disconcert us," wrote Iredell to his wife, "by entering into no debate." Resolute in the attempt to avoid debate, Jones remarked that "he could put the friends of the Constitution in a way of discussing it. Let one of them make objections and another answer them." The burden of the debate, thus thrown to the federalists, was assumed by Iredell, who "spoke more frequently and at greater length than any other on the floor."<sup>292</sup>

Though the anti-federalists were gradually "seduced into debate," their forces were "too numerous and too well disciplined to be beaten." Such was the nature of their leader's command "that a nod was the approval of the highest authority; his sneer the refutation of the most perfect logic; his uplifted finger the token of caution or silence."<sup>293</sup>

The anti-federalists, after a prolonged silence, based their first objection on the arrogation of power by the federal government as set out in the opening phrase of the preamble. "*We the people*," declared the state-rightsman Joseph Taylor of Wayne, "is surely an assumed power. Have they said, We, the delegates of the people? Had it said, *We, the states*, there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended."<sup>294</sup>

A strong protest was also registered, by Judge Samuel Spencer, against the absence of a bill of rights,<sup>295</sup> and later

<sup>289</sup> Elliott, *Debates*, IV, 4.

<sup>290</sup> Elliott, *Debates*, IV, 4-7.

<sup>291</sup> Elliott, *Debates*, IV, 7.

<sup>292</sup> McRee, *Iredell*, II, 234.

<sup>293</sup> McRee, *Iredell*, II, 234. Fordyce M. Hubbard, "Life of William Richardson Davie," in *The Library of American Biography* (edited by Jared Sparks, Boston, 1848), XV, 95-98.

<sup>294</sup> Elliott, *Debates*, IV, 53.

<sup>295</sup> Elliott, *Debates*, IV, 152-155.



against the operation of a federal judiciary within the limits of the State.<sup>296</sup>

The convention remained in session eleven days, and though every important feature of the Constitution was discussed, there was no "appreciable change of sentiment in either party."<sup>297</sup> In spite of the position of isolation to which North Carolina would probably be subjected, Willie Jones and his men believed that a good purpose could be realized by non-ratification, in that it would give added weight to the general demand for amendments. It was in this regard that he made his one "speech" of the convention, setting forth the aims of his party and its demands for a bill of rights. In this speech he urged North Carolina to remain out of the Union for a while, insisting that the State by such action would suffer none of the dire results depicted by the federalists. Concluding a very logical argument, he said:

As great names have been mentioned, I beg leave to mention the authority of Mr. Jefferson, whose great abilities and respectability are well known. When the Convention sat in Richmond, in Virginia, Mr. Madison received a letter from him. In that letter he said he wished nine states would adopt it, not because it deserved ratification, but to preserve the Union. But he wished that the other four states would reject it, that there might be a certainty of obtaining amendments. Congress may go on, and take no notice of our amendments; but I am confident they will do nothing of importance till a convention be called. . . . For my part, I would rather be eighteen years out of the Union than adopt it in its present defective form.<sup>298</sup>

It is highly indicative of his influence that every one of his suggestions was approved by the convention after a short debate. The business of the convention was brought to a head when Iredell offered an amendment to the effect that the Constitution be ratified and that amendments be submitted subsequent to ratification. This, however, was defeated by a vote of 184 to 84.<sup>299</sup> The report of the committee of the whole, which recommended a bill of rights and the submission of twenty-six amendments, as proposed by Willie Jones, was then carried in the affirmative. Those who had voted in favor of Iredell's amendment the day before voted against this report, while those who had voted against

<sup>296</sup> Elliott, *Debates*, IV, 155.

<sup>297</sup> Wagstaff, *States Rights*, p. 26.

<sup>298</sup> Elliott, *Debates*, IV, 225-226.

<sup>299</sup> Elliott, *Debates*, IV, 248-251.



Iredell's amendment voted for the report. Thus in both cases there was a majority of 100 in favor of the anti-federalists.<sup>300</sup>

Having taken "the direction of the Convention into his own hands,"<sup>301</sup> Jones then proposed the following important resolutions, which were concurred with:

Whereas this Convention has thought proper neither to ratify nor reject the Constitution proposed for the government of the United States, and as Congress will proceed to act under the said Constitution, ten states having ratified the same,<sup>302</sup> and probably lay an impost on goods imported into the said ratifying states—

*Resolved*, That it be recommended to the legislature of this state, that whenever Congress shall pass a law for collecting a similar impost in the states aforesaid, this state enact a law for collecting a similar impost on goods imported into this state, and appropriate the money arising therefrom to the use of Congress.

*Resolved, unanimously*, That it be recommended to the General Assembly to take effectual measures for the redemption of the paper currency, as speedily as may be, consistent with the situation and circumstances of the people of this state.<sup>303</sup>

He then proposed another resolution, which was unanimously accepted, that a copy of the resolutions of the committee of the whole, together with a copy of the above two resolutions, be sent to each of the other twelve states.<sup>304</sup>

Aside from these activities which were connected with the main purpose of the convention he was also appointed to a committee "to prepare and bring in an ordinance to establish the seat of government at the place hereafter to be fixed on by this Convention."<sup>305</sup> The convention then adjourned after the passage of a bill providing that the convention would not "fix the seat of government at any one particular point; but that it will be left at the discretion of the Assembly to ascertain the exact spot: Provided always, that it shall be within ten miles of the point or place determined on by this Convention." On the second balloting, Isaac Hunter's place in Wake County was chosen.<sup>306</sup>

Thus, as the recognized leader of a triumphant party, Jones emerged as the most powerful man in the State. Commenting on his "masterly leadership," which had "kept the front of the old radical party quite unbroken," one historian

<sup>300</sup> Elliott, *Debates*, IV, 251.

<sup>301</sup> Wagstaff, *States Rights*, p. 26.

<sup>302</sup> Those which had not ratified yet, besides North Carolina, were New York and Rhode Island.

<sup>303</sup> Elliott, *Debates*, IV, 251-252.

<sup>304</sup> Elliott, *Debates*, IV, 252.

<sup>305</sup> *State Records*, XXII, 26.

<sup>306</sup> *State Records*, XXII, 28, 33.



attributes to Willie Jones the distinction of being one of the first examples of the party boss, though one who was "entirely without the venality of the modern type of this species in America."<sup>307</sup>

Another historian sees in his victory the second triumph, in a second great political crisis, over "his rival," Samuel Johnston.<sup>308</sup> It seems, however, that this rivalry was somewhat overemphasized. Their relationship as delegates to the Continental Congress and as allies on the tory question points to the fact that they were on most friendly terms and were socially, at least, most congenial.

The federalists, in spite of their defeat in the convention, set out immediately to change the temper of the State.<sup>309</sup> The resourceful Davie and Iredell personally assumed the responsibility for the publication of the debates in the state convention.<sup>310</sup> Earnest efforts were made on the part of these men to win the August elections to the general assembly to be held in November, but again they were defeated, though they had made a remarkable gain in one month's time.<sup>311</sup> Jones, who had been appointed to Governor Johnston's council, resigned this position to serve as a member of this assembly.<sup>312</sup>

In order to influence the action of the assembly, the federalists, still undaunted, circulated petitions requesting a second state convention. Resentful of their defeat and of the awkward status of North Carolina,<sup>313</sup> the federalists vented their spleen on Willie Jones, as the one man most responsible for their unhappy plight. Indeed, the indignation of the people in Tarboro reached such a pitch that he and Thomas Person were burned in effigy<sup>314</sup>—an incident which greatly amused William Hooper and other federalists.<sup>315</sup> Such action, however, did not deter Jones from his course. In the early part of September he and Person "were both holding out the doctrine of opposition for five or six years at least." Still a rabid state-rightsman, he insisted that

<sup>307</sup> Wagstaff, "Federalism in North Carolina," *James Sprunt Historical Monographs*, Vol. IX, No. 2, pp. 13, 13n.

<sup>308</sup> R. D. W. Connor, "Governor Samuel Johnston of North Carolina," in the *North Carolina Booklet*, XI, No. IV, p. 282.

<sup>309</sup> Trenholme, *Ratification in North Carolina*, p. 196.

<sup>310</sup> McRee, *Iredell*, II, 235.

<sup>311</sup> Boyd, *History of North Carolina*, II, 43.

<sup>312</sup> *State Records*, XXI, 228, 490.

<sup>313</sup> New York, the eleventh state, ratified the Constitution just after North Carolina's rejection, thus leaving North Carolina and Rhode Island as the two delinquents. Boyd, *History of North Carolina*, II, 43.

<sup>314</sup> William Hooper to James Iredell, Hillsborough, N. C., October 23, 1788 (Miscellaneous Manuscripts—North Carolina Historical Commission archives).

<sup>315</sup> McRee, *Iredell*, II, 238.



North Carolina needed at least that many years "before their judiciary are let in upon us." Davie further wrote Iredell that Jones was "continually haranguing the people on the terrors of the Judicial power and the certainty of their ruin if they are *obliged now* [italics in original] to pay their debts." Such sentiments as these led Davie "to believe there is something more than a mere mistake in point of principle in his conduct. . . ." <sup>316</sup>

Less stinted in his criticism of Jones and his comrades-in-arms was Archibald Maclaine, who wrote Iredell that he had

as small an opinion of one of these gentlemen as I have of the other; and therefore would not trust either of them. Mr. Jones would, in my opinion, sacrifice anything rather than give up the party which he so scandalously patronized. The inflexibility of his pride will soar above every other consideration. <sup>317</sup>

He was also subjected at this time to a newspaper and pamphlet attack of no mean proportions. Though in the first of these denunciations his name was not mentioned, the attack was no doubt directed at him—at least, so he assumed it to be. After a survey of the deplorable conditions under the Articles of Confederation and the dire consequences of separation from the Union, the following denunciation occurs:

*And yet, with all these grievances under which an infant people with impotent struggles labored, he will execrate the Saviors of our Country, the Federal Convention, for a pack of Scoundrels, go to the Convention at Hillsboro full of d-mns and G-d d-mns, blow up an idle Fandango about Bills of Rights and Amendments, and what is still more infamous, throw us altogether out of the Union. Was this a time to smoak a pipe, and suck the paw like a surly Bear, when your house was on fire? Was this a time like a Jew-Broker, to bargain about fractions, without a *single Ship* in your harbour, or a *Dollar* in your Treasury? Shall this man be allowed to brand the inimitable Washington with the Appellation of *Scoundrel*, when he is unworthy to clean his shoes?* <sup>318</sup>

A retort to this blasphemous attack was immediately published by him in the *State Gazette of North Carolina*:

<sup>316</sup> McRee, *Iredell*, II, 239, Davie to Iredell.

<sup>317</sup> McRee, *Iredell*, II, 246. Archibald Maclaine to Iredell.

<sup>318</sup> The first part of this pamphlet was published in *The State Gazette of North Carolina* (Edenton), September 22, 1788 (photostat, Duke University Library); the quoted part is found in Trenholme, *Ratification in North Carolina*, pp. 201-202. The latter was copied from a manuscript by George Sterling under Miscellaneous Letters, North Carolina Historical Commission archives.



A SMALL pamphlet, signed 'A CITIZEN and SOLDIER,' addressed to the inhabitants of Edenton district, lately fell into my hands. I do not know who wrote it, nor where it was printed, but it was brought from Edenton to Halifax. The writer asserts, that I called the Members of the Grand Convention, generally, and General Washington and Colonel Davie, in particular, *scoundrels*. To this I answer that I never said so of the whole, or any one of these gentlemen. I know as little of many of the Members of that Convention, as this soldier (who perhaps never drew a sword in the service of his country) knows of me; therefore it would have been wrong for me to have called them scoundrels. As to General Washington, I have long tho't and still think him the first and best character in the world. As to Colonel Davie, I have personal regard for him; I *think* him an honest and a valuable member of the community, and I *know* him to be a man of genius, and knowledge in his profession. To make short of the matter, I swear that nothing can exceed the respect I bear for these two gentlemen, unless it be my scorn and contempt for the 'CITIZEN and SOLDIER.'<sup>319</sup>

The following week after this denial, he was called upon by "An Honest Man" to state publicly his objections to the Federal Government:

#### CALLING WILLIE JONES

#### TO SUPPORT THE INJURED COUNTRY

#### TO WILLIE JONES, Esquire

A PUTANIST in oaths has as little credit given to his off-hand swearing as a common prostitute, when she bridles up, acts the prude and lectures on chastity. Your seeming scorn and spurn at the Soldier and Citizen, is but a poor evasion. It is true it is a clumsy performance; it charges heavily; stand forward, answer it, give reputation to your 182 who negatived the learned labor of the choicest worthies of our Empire. Produce to public view your thoughts, your wisdom, your objections to the code handed us from the Federal Convention; or like the grave digger in Hamlet, confess your self: Or in a manly, honest manner, make the best apology in your power.

You are a member of the General Assembly, have unburthened yourself of the burthen of being a Councilor of the State; call together, embattle your myrmidons, head and command them, redress, if possible, your errors, bring forward a new and second Convention, and with a clean mouth and sweet blood, assist and support the country you have injured, to peace, happiness, and honour; to a stand and rank amongst the civilized trading nations of the earth; Then you may once more be seated in the breast of

AN HONEST MAN.<sup>320</sup>

<sup>319</sup> *State Gazette of North Carolina*, Edenton, N. C., October 20, 1788 (photostat, Duke University Library).

<sup>320</sup> *State Gazette of North Carolina*, Edenton, N. C., October 27, 1788 (photostat, Duke University Library).



In spite of these attacks, he seems to have held out for his demand for complete state sovereignty and independence for the time being, though it is difficult to determine his real objective, due to the brevity of the senate *Journals*. At any rate, after taking his seat in the upper house on November 4, 1788,<sup>321</sup> he proposed:

that the two Houses assemble in Conference on Wednesday next at 9 o'clock in the Morning . . . in order fully to hear and deliberate on that subject, as well as to determine on the propriety of convening a Second Convention in this State.<sup>322</sup>

Though this resolution was carried in the senate, it was defeated in the house<sup>323</sup>—an outcome on which he no doubt counted, due to a slight majority of anti-federalists in the commons.

He evidently thought that in this way he could dispose of the petitions and thereby satisfy his party. The federalists, however, were not to be appeased so easily by this test of strength. A week later Caswell proposed a resolution in the senate to call another convention to reconsider the Constitution.<sup>324</sup> This resolution, opposed by Willie Jones, was carried by a vote of 30 to 15. Realizing that he must act promptly, he immediately proposed that three delegates be elected from each county in the annual elections in August and that the convention be held in the last Monday in October. Upon the passage of this resolution,<sup>325</sup> the federalists were indignant at the fact that he had been able to delay the convention for eleven months. Caswell tried to amend the resolution by providing for an election to the convention on the 15th and 16th of December, but this was defeated by a vote of 26 to 21.<sup>326</sup> In the House, however, the bill was amended, the numbers of delegates from each county being increased to five and the day of holding the convention being moved back to the third Monday in November instead of the last Monday in October.<sup>327</sup> Upon its return to the senate, this amendment was concurred with, Willie Jones voting in the affirmative.<sup>328</sup> Thus for another twelve months

<sup>321</sup> *State Records*, XX, 477.

<sup>322</sup> *State Records*, XX, 494.

<sup>323</sup> *State Records*, XXI, 32-33.

<sup>324</sup> *State Records*, XX, 514.

<sup>325</sup> *State Records*, XX, 515-516.

<sup>326</sup> *State Records*, XX, 518.

<sup>327</sup> *State Records*, XXI, 66-67.

<sup>328</sup> *State Records*, XX, 526.



the debate over the Constitution was to hang fire and the status of North Carolina was to present great difficulties.

Jones's activities in the senate, however, were by no means limited to this battle over the second convention. On the first day of his appearance in Fayetteville, where this session was held, he was made a member of the committee of privileges and elections and the joint committee, of which he was later made chairman, "to consider and report what Bills of a general nature are necessary to be passed into Laws at the present Assembly."<sup>329</sup> These proposed bills covered a wide range of legislation and included such proposals as bills for punishing piracy, bigamy, and polygamy, preventing the further importation of slaves and convicts, discouraging gaming, taxing dramatic performances, and levying "a tax to support the government."<sup>330</sup>

In the field of finance he was also active, serving on the important committee "to examine and report on the present state of the public Revenue."<sup>331</sup> He moreover introduced a measure providing that debts should be recovered according to contract, which was passed by both houses.<sup>332</sup> He was also chairman of a sub-committee to examine the accounts of the commissioners of confiscated property, and reported sales amounting to over £200,750, with a balance of £75,715 5s 11d unpaid.<sup>333</sup> Of a most conservative nature was a proposition which he offered, providing that, since representation under the state constitution was "unequal and oppressive," it ought to be distributed "in proportion to the share which such parts respectively bear of the public burthens." The vote in the senate was a tie, and was defeated by the speaker's vote in the negative.<sup>334</sup>

During this session the members were greatly troubled over the situation in the trans-Allegany counties which had been settled by John Sevier and his followers. Accordingly a committee was appointed to take into consideration the situation of "the Inhabitants on the Western Waters."<sup>335</sup> Being a member of this committee, Jones, "a friend of the Western people,"<sup>336</sup> introduced an "act to pardon and consign to oblivion the offences and Misconduct of certain

<sup>329</sup> *State Records*, XX, 478-479, 491.

<sup>330</sup> *State Records*, XX, 491.

<sup>331</sup> *State Records*, XX, 484.

<sup>332</sup> *State Records*, XX, 505; XXI, 46.

<sup>333</sup> *State Records*, XX, 155-156.

<sup>334</sup> *State Records*, XX, 566-567.

<sup>335</sup> *State Records*, XX, 483.

<sup>336</sup> Samuel Cole Williams, *History of the Lost State of Franklin*, p. 238.



persons in the Counties of Sullivan, Washington, Greene and Hawkins."<sup>337</sup> This bill he managed to get passed,<sup>338</sup> but was unsuccessful in his attempt to put through a bill "ceding to the Congress of the United States certain Western lands therein described."<sup>339</sup>

On the Indian question he was willing to coöperate with the federal government. He introduced a resolution that "His Excellency be instructed to write to Alexander McGillvray, Chief of the Cherokee Nation, and inform him that this State, in compliance with the requisition of Congress, will appoint a Commissioner to act for this State in conjunction with the Commissioners from South Carolina and Georgia, in holding a Treaty with the Southern Indians."<sup>340</sup> Also in regard to the Indian question he moved that General McDowell be appointed to confer with the governor on the subject of sending a message "with a talk or talks to the Indians."<sup>341</sup> He was, furthermore, the chairman of a committee to prepare instructions "to be observed by the Commissioners for treating with the Indians."<sup>342</sup>

Feeling perhaps that his mission was fulfilled and that the time was ripe for North Carolina to join the Union, he gained permission to "absent himself from the service" of the senate after December 7, 1788, and departed for Halifax.<sup>343</sup> Though there seems to be some doubt as to his real feelings at this time, the following excerpt from a federalist's letter of January 16, 1789, indicates that he was at least resigned to North Carolina's adoption of the Constitution:

. . . I make no doubt your State will almost Unanimously acquiesce in the acceptance of our Glorious Constitution, as I hear even Wiley Jones has Apostatized from Anti-federalism, another St. Paul's Conversion, if it is really so, tho' I confess I have as little faith as St. Peter had.<sup>344</sup>

During the period between the two state conventions, the decline of anti-federalism was marked.<sup>345</sup> A contempo-

<sup>337</sup> *State Records*, XX, 503.

<sup>338</sup> *State Records*, XXI, 42.

<sup>339</sup> *State Records*, XX, 513. The measure would have had the effect of boosting the price of the Western lands in which he had investments.

<sup>340</sup> *State Records*, XX, 522-523.

<sup>341</sup> *State Records*, XX, 558.

<sup>342</sup> *State Records*, XX, 582-583.

<sup>343</sup> *State Records*, XX, 533.

<sup>344</sup> *State Records*, XXI, 522. Judge J. F. Grimke to General Harrington, Charleston, S. C., January 16, 1789.

<sup>345</sup> Trenholme, *Ratification in North Carolina*, p. 128.



rary account reveals not only this decline, but the fact that Jones had felt a slight remorse on account of his position:

. . . the people in the lower counties are all determined Federalists. . . . Several gentlemen of good information from the back counties, with whom I have conversed, give me the pleasing intelligence of an alteration in the sentiments of the people, who, it seems, from rank *anti's* are now become perfect *fed's*: so fully are they convinced of the ill-policy of separating themselves from the union and of the excellency of our Constitution.

Jones, the celebrated leader of the anti-federal faction, appears convinced of his error, and has declared that he will not attend the convention this time; he has been frequently heard to declare, that, when he was at the convention, and had scrutinized the character of those who were against the constitution, he blushed to think he was seconded by such a vile herd of infamous fellows.

It is the opinion in general here, and from the best information I can procure, I am confident the Federal Constitution will be adopted by this state, at their next convention.<sup>346</sup>

It is important to note, however, that this metamorphosis occurred *after* Madison's proposals for amendments had been made in Congress and there was reasonable assurance that the country would accede to them.<sup>347</sup>

In spite of this feeling of assurance, the federalists were undoubtedly delighted at his refusal to run for the second convention in the fall. Most anxious indeed was Archibald Maclaine who was "persuaded we [the federalists] might have carried our point last year, but for Willie Jones." Maclaine didn't believe the latter acted "on principle" at the first convention; he thought, furthermore, that the latter "was convinced last session of the Assembly, that he had not acquired popularity sufficient to insure the passage of a single bill into law." Maclaine was, therefore, "in hopes he will now take the other side, for which the amendments will furnish a sufficient justification," and felt it was "pretty certain" that Willie Jones would "find a great number of well-meaning members who, ashamed of being led by the nose last year will prove very restive."<sup>348</sup>

Maclaine's fears, however, were unwarranted. The second North Carolina Convention met November 16, 1789, and

<sup>346</sup> *State Gazette of North Carolina*, Edenton, N. C., October 1, 1789 (photostat, Duke University Library). Extract of a letter from a gentleman at Edenton to his friend in Boston.

<sup>347</sup> Benjamin Hawkins to James Madison, Warrenton, N. C., August 27, 1789. Published in *The North Carolina Historical Review*, XV, 167.

<sup>348</sup> McRee, *Iredell*, II, 266. Maclaine to Iredell, Wilmington, N. C., September 15, 1789.



after five days it passed an ordinance of ratification by a majority of 118 votes.<sup>349</sup>

North Carolina's entrance into the Union marked Jones's retirement from the political field, except for two incidents. In 1796 he ran,<sup>350</sup> and was defeated, in the contest for a presidential election.<sup>351</sup> In this same year he stood for a seat in the assembly, "the announcement of which was equivalent to his election."<sup>352</sup> The Jones tradition, however, was carried on by Nathaniel Macon, "his most influential ally." A man of the same calibre as Jones, Macon, likewise of distinguished ancestry and aristocratic background, was imbued with a democratic attitude of mind. He took up the leadership of the Jeffersonian party in the 1790's and held it for thirty years.<sup>353</sup>

Willie Jones's retirement from the political arena of North Carolina did not mean that he had forsaken other fields of endeavor. Indeed, the closing decade of his life was marked by an active interest and a real service in other capacities. Not the least of these was his service as "the real founder of Raleigh,"<sup>354</sup> the capital of North Carolina. As has been seen, the general assembly had tried for many years to establish a permanent seat of government, but not until the convention of 1788 was a definite step taken. This convention left to the discretion of the next general assembly the task of locating it within ten miles of Isaac Hunter's plantation in Wake County. After many "jealousies and bickerings," this determination was reached only after Willie Jones, "who was unexcelled as a manager of men," had "moved on the stormy waters . . . and shaped things to his mind."<sup>355</sup> This selection of Isaac Hunter's plantation provoked such animosity that 119 members entered a protest, but to no avail.<sup>356</sup> The West had wanted Fayetteville, while the East was divided, each delegate wanting the town nearest his own neighborhood.<sup>357</sup>

After two years the assembly finally carried this ordinance into effect and provided that ten people be chosen to lay off

<sup>349</sup> *State Records*, XXII, 48.

<sup>350</sup> *North Carolina Journal*, Halifax, N. C., September 26, 1796 (University of North Carolina Library—photostat).

<sup>351</sup> *North Carolina Journal*, November 28, 1796 (University of North Carolina Library—photostat) Sterling Harwell defeated him.

<sup>352</sup> Wagstaff, in *James Sprunt Historical Monographs*, Vol. IX, No. 2, p. 27.

<sup>353</sup> Virginus Dabney, *Liberalism in the South*, pp. 11-12; Hugh T. Lefler, *North Carolina History, Told by Contemporaries*, p. 141; Wagstaff, *States Rights*, p. 39; Dodd, *Macon*, p. 171.

<sup>354</sup> Hope Summerell Chamberlain, *History of Wake County, North Carolina*, p. 61.

<sup>355</sup> Hope Summerell Chamberlain, *History of Wake County, North Carolina*, p. 57; Kemp Plummer Battle, "Raleigh and the Old Town of Bloomsbury," in *North Carolina Booklet*, Vol. II, No. 9, p. 11.

<sup>356</sup> *State Records*, XXII, 34-35.

<sup>357</sup> Chamberlain, *History of Wake County, North Carolina*, pp. 58-59.



and locate the city within ten miles of Hunter's plantation.<sup>358</sup> Accordingly, by the next year, 1792, a majority of the commissioners, Willie Jones, Frederic Hargett, Joseph McDowell, Thomas Blount, William Dawson, and James Martin, met on the fourth of April and on the next day purchased of Colonel Joel Lane 1,000 acres of land. Within this tract they laid off a city containing 400 acres.<sup>359</sup> It has been suggested that a statue be raised to the memory "of that great Jeffersonian, Willie Jones, as the real founder of Raleigh, for to his interest the actual parceling out seems due."<sup>360</sup> All the commissioners have their names perpetuated in the names of streets in Raleigh.<sup>361</sup>

Soon after the founding of the capital, Jones bought sixteen of the lots, each an acre large, and later built there a summer residence, "Welcome," where he reputedly spent much of his time.<sup>362</sup>

Still following in the Jeffersonian tradition, he was a true friend of education. Conceived of as a third phase of his "system,"<sup>363</sup> educational advancement was one of the "cardinal points" in his program. The first provision for such advancement in North Carolina was coeval with independence.<sup>364</sup> The constitution of 1776—in which he had so great a hand—provided in Section 41 as follows: "A school, or schools, shall be established by the Legislature for the convenient Instruction of youth, with such Salaries to the Masters, paid by the Public, as may enable them to instruct at low prices: and all useful Learning shall be duly encouraged and promoted in one or more Universities."<sup>365</sup>

Not until 1789 were the legislators, absorbed with revolutionary activities and problems of adjustment, able to carry out this instruction. In the meantime, however, William R. Davie, in 1786, obtained from the general assembly the charter of an academy "for the education of youth, under the name, stile, and title of the Warrenton academy," and had himself, with Willie Jones, Thomas Person, Ben-

<sup>358</sup> R. S. Tucker (compiler), *Early Times in Raleigh: Addresses Delivered by the Hon. David L. Swain, LL.D. at the Dedication of the Completion of the Monument to Jacob Johnson with Maps of the City of Raleigh, for the Years 1792, 1834, and 1847*, p. 5.

<sup>359</sup> R. S. Tucker (compiler), *Early Times in Raleigh: Addresses Delivered by the Hon. David L. Swain, LL.D. at the Dedication of the Completion of the Monument to Jacob Johnson with Maps of the City of Raleigh, for the Years 1792, 1834, and 1847*, p. 5.

<sup>360</sup> Chamberlain, *History of Wake County*, pp. 60-61.

<sup>361</sup> Chamberlain, *History of Wake County*, pp. 86-87.

<sup>362</sup> Tucker, *Early Times in Raleigh: Swain's Addresses*, map opposite p. 9; Annie Lane Devereux, "Historic Homes, Part V: Welcome," in *North Carolina Booklet*, Vol. XI, No. 2, pp. 115-116.

<sup>363</sup> Dodd, *Macon*, p. 62.

<sup>364</sup> Dabney, *Liberalism in the South*, p. 58.

<sup>365</sup> *Colonial Records*, X, 1012.



jamin Hawkins, and "other prominent men" named as the board of trustees.<sup>366</sup>

Three years later, in December, 1789, the mandate of the first constitution of North Carolina was carried out by the granting of the charter of the University of North Carolina.<sup>367</sup> Jones was named as one of the original trustees and was present at the meeting of the board at Hillsboro, August 1, 1792, to determine the location of the University.<sup>368</sup> As in the problem of the location of the capital, he came forward with a solution, by offering a motion, which was adopted, that the board would not select any particular spot, but would choose by ballot a place as the starting point, the ultimate location to be within fifteen miles of this fixed point.<sup>369</sup> As a result, "Cyprett's Bridge, now Prince's Bridge, on the great road from New Bern by Raleigh to Pittsboro" was chosen.<sup>370</sup>

On August 4, 1792, the board of trustees passed an ordinance to carry his motion into effect by appointing one commissioner for each judicial district. He was chosen for his district and met November 1, 1792, with the other commissioners to visit in person all places deemed suitable. On the fifth day, according to the report of the chairman, Frederic Hargett, Willie Jones handed to the commissioners "an offer of Col. Joel Lane, of 640 acres near Nathaniel Jones's, at the cross-roads in Wake County, provided the University was fixed at said Nathaniel Jones's. Then proceeded to view New Hope Chapel Hill, in Orange County." The latter place was chosen.<sup>371</sup> Willie Jones also served on the committee of five appointed by the board "to make inquiry for a proper person to be president and to ascertain the terms on which he could be procured."<sup>372</sup>

Even more of a problem than either of the above two was that of raising money to support the institution. Jones donated \$100 to this cause and was exceeded in his generosity by only two others, who contributed \$200 each.<sup>373</sup> Not content to rest on his laurels, however, he and William R. Davie, on January 7, 1793, issued the following appeal which appeared in the *North Carolina Journal*:

<sup>366</sup> *State Records*, XXIV, 863; Walter Clark, "William Richardson Davie," in [W. J. Peele], *Lives of Distinguished North Carolinians*, p. 72.

<sup>367</sup> *State Records*, XXII, 21-24.

<sup>368</sup> Kemp P. Battle, *History of the University of North Carolina*, I, 19-20.

<sup>369</sup> Battle, *History of the University of North Carolina*, I, 20.

<sup>370</sup> Battle, *History of the University of North Carolina*, I, 20.

<sup>371</sup> Battle, *History of the University of North Carolina*, I, 22-23. Reprint of commissioners' report.

<sup>372</sup> Battle, *History of the University of North Carolina*, I, 99.

<sup>373</sup> Battle, *History of the University of North Carolina*, I, 122-123.



Messieurs Hodge & Wills,

We have read the piece signed '*A Friend to the Univerisity,*' which appeared in your papers of the 19th and 26th ult. and we are clearly of his opinion, that a liberal education of the youth of any country must tend to promote the happiness and prosperity of the people. The gentlemen of the county of Orange have already subscribed near *one thousand dollars* toward the endowment of this important institution; and we flatter ourselves that the gentlemen of Halifax County, will not, on this occasion, so interesting to the rising generation, suffer any county in the State to exceed it in making efforts to promote an institution of such vast and general utility.

We have opened a subscription for donations to the University, and either of us, on behalf of the institution, will thankfully receive subscriptions, however small, at any time.

WILLIE JONES

WILLIAM R. DAVIE<sup>374</sup>

Though they were successful in raising \$1,608 in the Halifax District and though a grand total of \$6,723 was realized, all was not sweetness and light. Indeed, there was much criticism against the struggling institution which was charged at different times with being a "federal" institution, as being too "imbued with aristocratic principles," and as being too "liberal" in its teachings.<sup>375</sup>

Five years later the University was still being criticized by the citizens of North Carolina. Jones informed James Hogg that "he had information from Mr. Collins, in Edenton [a wealthy citizen of that town], that our seminary was under disrepute there" and Henry Watters of Hillsboro, an attorney for the University, said that the same opinion prevailed in the Albemarle section, and "that it was mere necessity," which made the inhabitants send their children there, because they thought "meanly" of the teachers.<sup>376</sup>

About this time Jones was appointed by the board to a "Committee of Visitation" to attend the "Annual Examination at the University" on July 4, 1798.<sup>377</sup>

In compliance with this exhortation, he was present during the examination and at the graduation exercises, where, after the conferring of degrees, he "delivered the opinion and judgment of the Visitation Committee, on the exami-

<sup>374</sup> *North Carolina Journal*, Halifax, N. C., January 9, 1793 (University of North Carolina Library—photostat).

<sup>375</sup> Battle, *History of the University of North Carolina*, I, 137-145.

<sup>376</sup> J. G. de Roulhac Hamilton, and Kemp P. Battle, "William Richardson Davie: A Memoir, Followed by His Letters with Notes," in *James Sprunt Publications*, No. VII, pp. 35-36.

<sup>377</sup> *North Carolina Journal*, Halifax, N. C., June 18, June 25, and July 2, 1789. (University of North Carolina Library—photostat).



nation," accompanied by a speech to the faculty and students, in which he stated his satisfaction with his observations.<sup>378</sup> His period of service as trustee expired in 1799.<sup>379</sup>

In addition to his activities in the political, civic, and military life of North Carolina, he also was one of the most successful business men in the State. His large holdings in land and slaves are an indication of his success in this field. He was also somewhat involved in the Transylvania Company of Richard Henderson. First organized as the Louisa Company, and later as the Transylvania Company, this land organization had bought from the Indians all the vast region between the Cumberland and Kentucky rivers, which was partly in North Carolina and partly in Virginia. Here an attempt was made, under the guidance of Richard Henderson, to plant "an independent, proprietary colony without first securing the consent and approval of Great Britain, or, later, of the legislatures of Virginia or North Carolina."<sup>380</sup>

Having established a government for the settlements in this transmontane colony, Henderson's position was described as being "strong." While the governors of North Carolina and Virginia had issued proclamations condemning the activities of the Transylvania Company, it had the support in North Carolina "of such powerful men as Joseph Hewes, William Hooper, Willie and Allen Jones, Thomas Burke, and others"; in Virginia, Patrick Henry and George Rogers Clark were decidedly pro-Henderson.<sup>381</sup>

It is difficult to tell to what extent he was implicated in this speculative project. Two letters of the year 1776 reveal that he had some interest in it at the time. In the first of these, William Johnston, a member of the company, informed John Williams, another member, that he was enclosing a letter from Willie Jones and that "it relates to the company's business."<sup>382</sup> In the second of these, John Luttrell, also one of the members of the company, wrote, presumably to Henderson, the following: "Mr. Wiley Jones<sup>383</sup> has wrote you something respecting Transylvania,

<sup>378</sup> *North Carolina Journal*, July 23, 1798 (University of North Carolina Library—photostat).

<sup>379</sup> Battle, *History of the University of North Carolina*, I, 821.

<sup>380</sup> William Stuart Lester, *The Transylvania Colony*, p. 1; Connor, *History of North Carolina*, I, 294-295; Thomas Perkins Abernethy, *Western Lands and the American Revolution*, p. 124.

<sup>381</sup> Abernethy, *Western Lands and the American Revolution*, pp. 130-132.

<sup>382</sup> William Johnston to John Williams, Hillsborough, N. C., January 17, 1776 (Johnston MSS—Duke University Library).

<sup>383</sup> Professor Lester in *The Transylvania Colony*, p. 256, in quoting an excerpt from this letter erroneously calls Willie Jones "Wiley Toms." A check-up of the original, however, reveals his error (Johnston MSS—Duke University Library).



the Virginians, we are informed have certainly taken possession of that country, at least all within their line. . . ."<sup>384</sup>

By the next year, the attitude of Virginia was most hostile to Henderson's company, and committees of her assembly were busy investigating the claims of this company. Though their pretensions were discussed on the floor of that house, no decision was reached that year. At this time Henderson made "strenuous efforts" to get Samuel Johnston and Willie Jones, "leaders of the conservative and radical parties respectively in North Carolina," to appear at Williamsburg in his behalf.<sup>385</sup>

The following letter of Willie Jones throws some light on his activities in regard to this appearance:

I have just now received a Letter from Colo. Richard Henderson, as Agent for the Transilvania [sic] Company, desiring me to engage you, if possible, to attend and assist in the Dispute relative to Transilvania, before the General Assembly of Virginia, at their ensuing Session. The Assembly stands adjourned to the second Monday in this month, and the appointed day for bringing on the Transilvania Dispute is the third Monday in the Session, so that, making Allowance for Delay, you would probably be in time if you were in Williamsburg by the first day of November. Henderson informs me that the fee proposed by the Company for your Services is ten thousand acres of chosen Lands. I confess I do not think this an adequate Reward,—and yet I must beg leave to urge Mr. Henderson's Request. As you are now disengaged from Publick Business and your Attendance at Williamsburg will, most probably, not be necessary longer than three or four days, I flatter myself that I shall have the pleasure of seeing you there. Your Compliance will greatly oblige the Transilvania Company, and a'so

Dr. Sir

Your most sincerely

Willie Jones

I set off from Williamsburg to-morrow morning and do not expect to return until the 5th of November.

W. Jones.<sup>386</sup>

It was not until November 24, 1777, that a date was set by the assembly for the hearing of the memorial of Richard

<sup>384</sup> John Luttrell to Henderson (?), Halifax, N. C., November 19, 1776 (Johnston MSS—Duke Library).

<sup>385</sup> Abernethy, *Western Lands and the American Revolution*, p. 189. Professor Abernethy states that they were to appear at Richmond, but the next letter, and the fact that the Assembly met at Williamsburg, seem to disprove this statement. *Journal of the House of Delegates of the Commonwealth of Virginia; Begun and Held at the Capital in the City of Williamsburg, on Monday, the Twentieth Day of October, in the Year of Our Lord One Thousand Seven Hundred and Seventy-Seven*, p. 1.

<sup>386</sup> Willie Jones to Samuel Johnston, Halifax N. C., October 9, 1777 (Johnston MSS—Hayes Library, Edenton).



Henderson and Company and then it was postponed until the second Monday in the October session.<sup>387</sup>

Jones was again present at the October session, and though there is no mention of him in any of the senate or house *Journals*, he seems to have been quite active. Richard Henderson, it is assumed, wrote Judge John Williams on October 29, 1778, that "Mr. Willie Jones, one of our agents (and who has been of great service) sett off home yesterday to the fair at Halifax. Mr. Johnston and myself only remain."<sup>388</sup> According to one authority on the subject, the Richard Henderson Company incurred expenses in 1777 and 1778 of approximately \$700 in sound money. This included securing depositions in the back country and paying the cost of witnesses and the traveling expenses of Henderson, Williams, Johnston, and Willie Jones, "a member of their counsel," though it is doubtful that the fee of the latter was included in this sum."<sup>389</sup>

The efforts of these men were of no avail. Nor was their appeal to the Continental Congress for admission as the fourteenth state of the Union any more successful. Thus, after rebuffs from Virginia, the Continental Congress, and North Carolina, Henderson's "grandiose scheme" collapsed, though Virginia in 1778 granted the company 200,000 acres in that part of Virginia which lay within her limits, and in 1783 North Carolina made a similar grant within her western territory.<sup>390</sup> It is probable that Willie Jones received some of this territory in payment of the fee for his services, though there seems to be no trace of such a grant and there is no mention of such in his will.

It was in these years, however, that the town of Jonesborough, "the oldest formally established town in Tennessee (1779)," was named for this "warm friend of the overmountain people." It was the first capital of the State of Franklin and is still the seat of justice of Washington County.<sup>391</sup>

In the year 1795, Jones was among "a number of Gentlemen who were desirous of promoting the navigation of Roanoke River." They employed two men to make a survey of the falls and to estimate "the expence that would be

<sup>387</sup> *Journal of the Virginia House of Delegates*, November 24, 1777, May 20, 1778.

<sup>388</sup> *State Records*, XIII, 491-492. (Richard Henderson(?)) to Judge John Williams, Williamsburg, Va., October 29, 1778.

<sup>389</sup> Lester, *The Transylvania Colony*, pp. 233-234.

<sup>390</sup> R. D. W. Connor, *History of North Carolina*, I, 295-296.

<sup>391</sup> Samuel Cole Williams, ed., *Early Travels in the Tennessee Country*, p. 332.



incurred in making an easy, safe, and conpleat passage for batteaux, of ordinary river burthen." As a result of this survey, "these gentlemen"—Willie Jones, Allen Jones, William R. Davie, Nicholas Long, and John Sitgreaves—proposed that "the several neighbourhoods or counties interested in the navigation of the Roanoke, should send Commissioners as Representatives to the town of Halifax on the 29th day of October" to adopt "proper measures" therefor.<sup>392</sup>

After receiving a charter, the newly-created Roanoke Navigation Company opened its "books of subscription" in February, 1797. Shares were sold at \$100 apiece by Thomas Amis, Willie Jones, or Goodorum Davis, the acting managers.<sup>393</sup> At a general meeting of the subscribers "for improving the navigation of the Roanoke" on October 23, 1797, Willie Jones was chosen president.<sup>394</sup> The next June he was succeeded by his brother, Allen, but he still remained a director.<sup>395</sup>

In 1796 he was also a manager of the Halifax Factory Lottery, "for the purpose of raising 5,000 dollars for the term of seven years . . . to establish an extensive FACTORY; for the purpose of carding, spinning, weaving, printing, and dying [*sic*] of cotton."<sup>396</sup>

During the years 1793-1798 he served as administrator of the estates of Benjamin McCulloh, Thomas Gilchrist, and Henry Montfort. Frequent notices in the *North Carolina Journal* for these years evidence his activity in managing these estates.

Having been active in these various fields of endeavor, Jones's career was brought to a close rather suddenly. Indeed, the first news we have of his declining health appears in a letter from Nathaniel Macon to Jefferson, May 24, 1801, in which he says: "Your acquaintance, Mr. Willie Jones, is, I fear not long for this world. He is unable to walk, and there is no probability that he ever will again."<sup>397</sup>

A few days later, on June 4, 1801, he wrote his son, Willie William, then a student at Princeton, as follows:

<sup>392</sup> *North Carolina Journal*, September 7, September 28, 1795 (University of North Carolina Library—photostat).

<sup>393</sup> *North Carolina Journal*, January 16, January 23, January 30, February 6, 1797.

<sup>394</sup> *North Carolina Journal*, October 30, 1797.

<sup>395</sup> *North Carolina Journal*, June 4, 1798.

<sup>396</sup> *North Carolina Journal*, April 17, 1797.

<sup>397</sup> Dodd, Macon, pp. 170-171.



I removed here [Raleigh] from Halifax May 15th and am so sick I do not expect to live longer than eight or ten days. Do not let that embarrass you. Pursue your studies as usual, 18 months, or two years. I wish you every blessing and am, My Dear Boy, your affectionate Father.<sup>398</sup>

Fourteen days later, on June 18, his prophecy came true. The *Raleigh Register and North Carolina Gazette* published an obituary which concluded with the statement that

... it may with the strictest truth be said that Carolina has not produced a son of greater mental endowment than Mr. Jones, no one who lived more universally and deservedly respected or died more affectionately and sincerely regretted.<sup>399</sup>

There is no trace of his grave, in the northeast suburbs of Raleigh on land which in 1850 was owned by Matthew Shaw, and which is now occupied by St. Augustine's School. A search for his grave made in 1860 by Thomas Sherwood Haywood and others showed no trace of it.<sup>400</sup>

His will is indeed a most remarkable document. He directed that if he died at Halifax his body should be buried in the orchard beside that of his little daughter, or if he died in Raleigh, it should be buried beside the body of another little daughter; no monument or tombstone was to be placed over him. The will further said: "No priest or other person is to insult my corpse by uttering any impious observations over my body. Let it be covered sunny and warm and there is an end. My family and my friends are not to mourn my death, even with a black rag—on the contrary, I give my wife and three daughters, Anna Maria, Sally and Patsy, each a Quaker-colored silk, to make their habits on the occasion."<sup>401</sup>

As has been mentioned before, he was a deist, as were not a few other men of note in that day. In the private cemetery at "The Groves" is the grave of his little daughter, Mary Montfort Jones, who died June 29, 1781. Inscribed on the marble slab are these pagan lines which her father placed there:

Venus gave the Graces, Pallas formed the Mind,  
With rival art to make the first of womankind.

<sup>398</sup> Dodd, *Macon*, pp. 170-171.

<sup>399</sup> *Raleigh Register and North Carolina Gazette*, Raleigh, N. C., June 23, 1801.

<sup>400</sup> Olds, in *The Orphan's Friend and Masonic Journal*.

<sup>401</sup> Halifax County, Will Book III, 355.



Jove of the wondrous work too soon enamoured grown,  
 Sent the stern tyrant Death, and Claimed her for his own.  
 The Spirit soared to Jove, the fine cold senseless clay  
 Shines in spite of death, as bright as Orient day.

Yet the intense hostility which he imbibed for church establishment is said to have had its origin in religious persecution for non-conforming to the required rites and ceremonies of church and not in a disbelief in the simplicity of true religion.<sup>402</sup> The tradition,<sup>403</sup> however, is that he was buried with the head to the south and the feet to the north to register eternally his disbelief in Christianity.<sup>404</sup>

To understand and appreciate more thoroughly the life and political career of the man Willie Jones, one must take into consideration the eighteenth-century idea of *noblesse oblige*, which was a strong force in Europe—and to some extent—in North America. Perhaps no man in North Carolina so aptly exemplified this spirit. An aristocrat by birth and in sentiment and a man of great wealth, he was no demagogue nor office-seeker, but was instead a statesman whose guiding principles were the independence of a sovereign people and the social and economic well-being of the masses, who looked to him as to a father. Imbued with this concept of service to the State and to the people, he devoted thirty years of his life to the application of this philosophy. A liberal in politics, education, and religion, here was indeed an "aristocratic democrat," cut from the same pattern as Jefferson.

<sup>402</sup> Burgwyn, in *North Carolina Booklet*, 9.

<sup>403</sup> Another tradition which is quite strong is that John Paul Jones, who came to America in 1774 as John Paul, wandered to Edenton and later to Halifax, where he was befriended by Willie and/or Allen Jones. It is claimed that as a result of this friendship John Paul added the surname Jones to that of Paul. It is not the purpose of this study, however, to enter into this controversial subject. See Cyrus Townsend Brady, *Commodore Paul Jones*; Augustus C. Buell, *Paul Jones: Founder of the American Navy*; Phillips Russell, *John Paul Jones: Man of Action*.

<sup>404</sup> Olds, in *The Orphan's Friend and Masonic Journal*.



# RECONSTRUCTION LETTERS FROM NORTH CAROLINA

Edited by  
JAMES A. PADGETT

## PART I

### LETTERS TO THADDEUS STEVENS

With the manuscripts of Edward McPherson, purchased by the Library of Congress in 1908, were a number of papers of Thaddeus Stevens. These have been arranged chronologically in sixteen volumes and cover the years from 1829 to 1868. The collection is composed of speeches, including the one made at Cooper Institute, September 27, 1860, drafts of resolutions, some memoranda, newspaper clippings, telegrams, and letters. A number of the early letters are from members of his own family, but the later ones relate to the political and military problems of the period, both local and national. His correspondents include Winfield Scott, John C. Fremont, Salmon P. Chase, Horace Greeley, and other prominent politicians and statesmen.

In addition to his correspondence with his admirers from the North, there are many letters from the South after 1864. These are of many kinds and relate to various subjects, from threatening letters from the Ku Klux Klan, as the one dated New Orleans, April 14, 1868, to those dealing with the activities of the carpet-baggers and scalawags of the South. The letters from North Carolina to Stevens, here presented, derive their value both from the importance of the era with which they deal and from the relation of Stevens to the events of that period. In the wider historical field to which the correspondence relates one need not expect from it new facts of the first importance or startling interpretations. Yet these letters throw additional light on well known events and help in understanding the period of Reconstruction both in North Carolina and in the United States at large. In presenting these letters the editor has endeavored to reproduce them as written originally, with all their misspelled words and ungrammatical sentences.



Edenton— North Carolina  
December 13<sup>th</sup>. 1865

Hon. Thaddeus Stevens—<sup>1</sup>

Sir:

In our recent Congressional election, I was one of the candidates in this District, My two competitors both declared that they "could not take the oath, if they would, and would not if they could." My position was:—that "I could honestly & truthfully take the oath, having never done any thing inconsistent with it, except *involuntarily* under military or mobocratic coercion." I was beaten *badly*. So much for that.

Some time since, a gentleman of Plymouth N C (M<sup>r</sup>. Ed. W. Jones<sup>2</sup>) was appointed Collector of Internal Revenue for this district. After he had executed & forwarded his bond, his surities for very good reasons wrote to the Department, requesting that his bond might be rejected, & his appointment revoked. On ascertaining these facts, I immediately made application for the position, & forwarded a written recommendation signed by all the prominent Unionists of this place, urging my appointment. I have as yet heard nothing in reference to the matter.

I believe, from your position & influence, you can materially aid me. I am a stranger, & I feel a delicacy in applying to you, but hope, that you will excuse the liberty I take. If you would be Kind enough to espouse my cause, & recommend me to the Commissioner of Internal Revenue,<sup>3</sup> the Secretary of the Treasury<sup>4</sup> & any one else you may think proper, rest assured, you shall never have cause to regret it, whilst I sh<sup>d</sup>. ever preserve a grateful recollection of your Kindness.

It is but right that you should know something of my antecedents before you entertain any request. I was the Union Candidate in this (Chowan) County in the Conventional Election of Feb<sup>y</sup>. 1861. That whole convention project was defeated by the popular vote of the State. Afterwards, when a convention was peremptorily ordered by the legislature, & it became evident, that secession was a "foregone conclusion" I refused to be a candidate, or have anything to do with the Election.<sup>5</sup> I remained all the time to the close of the war a quiet, conscientious Union man. I have not time or space to recount the particulars, but I had to bear the trials of persecution, I passed thro them in such a way, that I could in our recent Election say to the people truthfully, "I can

<sup>1</sup> Thaddeus Stevens (April 4, 1792-August 11, 1868) will forever be remembered on account of his radical Reconstruction ideas; his almost unprecedented and unexplainable influence over Congress, during the eventful years of Reconstruction; and his Negro housekeeper, who was buried by him in a private cemetery, open to Colored and white alike. *Dictionary of American Biography*, XVII, 620-24; Appleton, *Cyclopaedia of American Biography*, V, 677-8.

<sup>2</sup> On February 27, 1866, President Johnson nominated Edmund W. Jones to be collector of internal revenue for the first district of North Carolina. On March 6 his nomination was referred to the committee on finance, and he was confirmed by the Senate, March 19, 1866. *Journal of the Executive Proceedings of the Senate of the United States of America*, XIV, pt. 2, 584, 586, 690.

<sup>3</sup> For a short time after Johnson became President, William Orton was commissioner of internal revenue, but he was soon replaced by Edward A. Rollins, who retained the office from 1865 to 1869. White's *Conspectus of American Biography*, p. 17.

<sup>4</sup> After Chase was sent to the Supreme Court as Chief Justice, William Pitt Fessenden served as Secretary of the Treasury for some time, but when he went to the Senate, Hugh McCulloch, an Indiana banker, who had been Comptroller of the Currency since March, 1863, became Secretary of the Treasury, March 4, 1865, and remained in the office until 1869. *Dictionary of American Biography*, XII, 6-8.

<sup>5</sup> The people of North Carolina, January 30, 1861, elected a large Union majority to a convention and also voted against even holding a convention. Nevertheless, the disunionist minority assembled in Raleigh, March 22, and awaited their chances. Lincoln's proclamations and call for troops led the legislature to call for an election of members to a convention for May 13, which assembled, May 20, and voted for secession that same day. John W. Burgess, *The Civil War and the Constitution*, 1, 183-5.



take the oath."<sup>6</sup> I can not only take the oath as Collector— can not only give such surities to the bond as will be satisfactory, but am entirely free from the *unfortunate* habits of the first appointee. The war & its results have nearly ruined me pecuniarily. I have attained that age, at which hard labor would be too much for me; & I have a family of small children growing up around me. Under these circumstances I feel very anxious to get some position that would give me employment & yield me a living. The position of Collector of Internal Revenue would suit me in all respects, whilst I feel that I am qualified to discharge all its duties. If you will take the trouble to inquire of Hon John Pool U S Senator<sup>7</sup> elect from this State, or Gov. Holden,<sup>8</sup> I flatter myself, you will find, that he who asks this favor of you is indeed worthy of it. And now, Sir! if you will be so Kind, as to give my application your assistance by recommending me to the Commissioner of Internal Revenue, the Secretary of the Treasury, & any one else you may think proper, I shall entertain a most grateful recollection of it. I am—

With great respect

Yr. ob<sup>t</sup>. Servt.

William E Bond<sup>9</sup>

P.S. The hon M<sup>r</sup>. Lafflin,<sup>10</sup> M. C from 20 N Y District, having had some intercourse with a Pennsylvanian, who has Known me a long time, & having recently in Newberne read a letter I wrote to my friend, can give you some information about me—

W. E B—

<sup>6</sup> On July 2, 1862, Congress passed an act that any officer, excepting the President, before entering upon the duties of his office must take an oath that he had never voluntarily borne arms against the United States, nor held office under any pretended government hostile to the United States, nor yielded voluntary support to such government. In 1865 the act was extended to include attorneys and counselors at law of the United States courts, but this part was declared unconstitutional in the Garland case. The test oath was used to exclude Congressmen, elected in the South in 1865 and under the Johnson amnesty proclamation, from their seats. With great rigidity it was enforced during the carpetbag regime in the Southern states. J. Franklin Jameson, *Dictionary of United States History*, p. 498 (Revised by Albert E. McKinley).

<sup>7</sup> John Pool was born near Elizabeth City, North Carolina, June 16, 1826; graduated at the University of North Carolina in 1847; and was admitted to the bar that same year. He engaged in agricultural pursuits; served four terms in the state senate; was defeated for governor on the Whig ticket, 1860; was a member of the constitutional convention, 1865; and was elected to the United States Senate, December 29, 1865, but was not allowed to take his seat. He was elected again, July 4, 1868, and served until March 3, 1873. He was not a candidate for reelection, but settled in Washington where he practiced law until his death, August 16, 1884. *Biographical Directory of the American Congress, 1774-1927*, p. 1421.

<sup>8</sup> William Woods Holden (November 24, 1818-March 1, 1892) became a printer and then editor. He was a leading secessionist, but began to shift about 1860. He was a delegate to the Charleston and Baltimore conventions; was a member in the secession convention and favored withdrawal from the Union; backed Vance for governor and then broke with him; and ran for governor in 1864 on the idea of withdrawing from the Southern Confederacy. President Johnson appointed him provisional governor in May, 1865; later the Senate refused to confirm him as minister to San Salvador. He became a strong radical reconstructionist and was elected governor in 1868, but was impeached and removed after the Democrats swept the State in 1870. *Dictionary of American Biography*, IX, 138-40.

<sup>9</sup> William E. Bond in 1850 represented Chowan County in the house of representatives in North Carolina. On June 26, 1866, President Johnson sent his name to the Senate for collector of internal revenue for the first district of North Carolina, and his nomination was confirmed, July 26. *A Manual of North Carolina* (1913), p. 560; *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 2, 869, 870, 1155, 1159.

<sup>10</sup> Addison Henry Lafflin (October 24, 1823-September 24, 1878) was a paper manufacturer, New York state senator, 1858-59; representative in Congress from New York, March 4, 1865, to March 3, 1871; and naval officer of the port of New York from April 3, 1871, to 1877. *Biographical Directory of the American Congress, 1774-1927*, p. 1197.



Plymouth N C Jan 9th 1866

To Hon Thadues Stephens

Seeing a resolution introduced by you to inquire by what wright the freedmen agents<sup>11</sup> turned over lands that had been abandoned and to inforse the Confiscation act<sup>12</sup> is received by the union men here with a greate deal of Joy as we have some hope that trators will be punished for the treatment that union men received at thare hands the men that had men arested and all of thare property taken from them are the verry men that Johnson has pardoned and given up thare property and lands that was turned over to the government and has been rented for three years and rents paid to the Gov agent and whare thay have been Cultivated by union men at the risk of being carried of for being Loyle to the Government have ben turned out of dorse by the order of Col Whitsley<sup>13</sup> of Raleigh the agent freedmens Bureau these union men was put in persession of those abandoned lands by Ed H Willis<sup>14</sup> who was a spsial agent of the treasury department and acting under Col D. H. Heaton<sup>15</sup> who was located at Newburn and no better union man than E H Willis never lived and like the wrighter of this letter he had to leave his home and leave all he had to be Rebbels and seek protection in the union lines these leading Rebbles since thay have

<sup>11</sup> The Freedmen's Bureau was created by act of Congress, March 3, 1865, consolidating the various agencies working among the Negroes of the South. It was enlarged and extended by the act of 1866, but had to be passed over the veto of President Johnson. It furnished food and clothing to the needy Negroes; aided them to find employment; provided homesteads for them on public lands; and supervised labor contracts to insure justice for former ignorant slaves. It provided hospitals and schools for them and protected their civil rights. It was under the War Department and maintained an elaborate organization in the South under General Oliver O. Howard. He had an assistant chief in each of the ten districts of the South and a large number of other officers in each district. The Bureau was said to be unconstitutional, unnecessary, engaging in party politics, and involved in graft and mismanagement. The opposition also said it fomented race hatred and advanced the Negroes over the whites. It was to end June 16, 1868, but various acts of Congress kept it alive until June 30, 1872. James Truslow Adams, *Dictionary of American History*, II, 335-6.

<sup>12</sup> The law of August 6, 1861, allowed confiscation of private property which had been put to hostile use and declared forfeited all claims to the labor of slaves who bore arms or worked in military or naval service with the permission of their masters. The act of July 17, 1862, extended this act so as to include most of the ideas of John Fremont and David Hunter and allowed the confiscation of property of local, state, and Confederate officers, both civil and military. Others aiding the South had sixty days to reassume allegiance to the United States. Federal captured and abandoned property acts of March 12, 1863, and July 2, 1864, allowed confiscation, but the proceeds were recoverable within two years after the cessation of hostilities. Property was classed as abandoned if the owner was absent and assisting the Southern cause. Less than one five-hundredth part of the Southern property was confiscated and cotton formed about ninety-five per cent of all confiscated property. Adams, *Dictionary*, II, 15.

<sup>13</sup> Eliphalet Whittlesey of Maine, a cultured gentleman, and former professor in Bowdoin College, on July 1, 1865, became assistant commissioner of the Bureau of Freedmen's Affairs. He at once issued an address inviting the cooperation of both races, and on July 15 he issued a second circular relative to the organization of the Bureau—dividing North Carolina into four districts. He planned to make each county a sub-division and wrote every member of the convention to recommend a suitable person in each county. No delegate replied and he was opposed by the military officers who were acting as agents. On the whole his instructions were marked by moderation and showed good sense, but he advised the white people: "The school house, the spelling book, and the Bible will be found better preservers of peace and good order than the revolver and bowie knife." He denounced the forty acres and a mule legend. In consequence of the reports of General Stedman and Fullerton he was displaced by General Thomas H. Ruger, then in command of the department. General Howard was directed by the court martial to censure Whittlesey, but he refused to obey and recalled him to Washington, where he gave him duties at the Bureau headquarters. No stain, however, is attached to his name, as he acted fairly and impartially. J. G. de Roulhac, Hamilton, *Reconstruction in North Carolina*, pp. 297-300, 313, 315, 321, 324, 211, 305-7, 309-10.

<sup>14</sup> During the recess of the Senate Elijah H. Willis was appointed collector of customs for the district of Plymouth, North Carolina. After the Senate convened, December, 1865, his name was sent to that body, which confirmed him, June 11, 1866. *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 1, 493, 506; pt. 2, 859.

<sup>15</sup> David Heaton was born in Hamilton, Butler County, Ohio, March 10, 1823. He was a lawyer and legislator; moved to Minnesota in 1857; served in state senate there, 1858-63; and was appointed special agent of the Treasury Department at New Bern, North Carolina, 1863. He declined the position as third auditor of the Treasury Department, 1864. Abbott, Heaton, and Tourgee were the carpetbag leaders in North Carolina and were very jealous of the influence of each other. Heaton was a member of the constitutional convention of 1867, and was in Congress from July 15, 1868, until his death in Washington, June 25, 1870, after being nominated to the 42nd Congress. He was interred in the National Cemetery, New Bern, North Carolina. *Biographical Directory of Congress*, p. 1082; Hamilton, *Reconstruction*, pp. 253, 264, 408-409.



taken Johnson Oath<sup>16</sup> talk of punishing men with as mutch presumption as if thay had bin as Loyle as M<sup>r</sup> Lincoln and inquiring what wright had Willis to take thare property but the por union who lost all he had not one word is said about his loses but we look to this Congress hoping that something will be don for us and for the sake of Confiscation of the Rebbles property thare is not one union man in the south who would not be willing to loose what little the Rebbles left us as for the outh thay have taken thay do not regard it at all and every office that is to be had thare sure to get it thare is not a single case that I no of except M<sup>r</sup>. Pool<sup>17</sup> who is a union man and I do not think its is wright that those men that don all thay could to brake up this country and who has had so many poor men sen a way for thare Loyelty to thare Goverment should now return here and be given up thare property and be placed on an eaqueal footing with those who had to leave thare homes and had all taken from them for It Cost somthing to be Loyle here any information you wish to gain you can get it from E H Willis Colector at Plymouth I could site you to a dozen cases whare union men has been turned out of dorse by those freedmens agents and the Farms turned to Rebbles

yours verry respefully

J H Rea

To Hon Tha<sup>d</sup>. Stephens  
House Representitave

(Confidential) G. F. G.  
Bailey's Star Hotel, Front Street, near Market,  
Wilmington, N. C. Jan 11<sup>th</sup> 1865[6].  
The south.

My dear Sir;

I take the liberty to address you a few lines from the most considerable city of *this* perhaps the *most law abiding* and *decent* of the Southern States (if term not gross flattery to apply those terms to any of them) for the purpose of giving you my humble testimony relative to the present temper and disposition of the southern people so far as I have had the opportunity of forming my judgment (prejudiced originally in their favor) during a four Mo's Experience *behind the Scenes* since the termination of the Civil War, and three Mo's Experience *before the scenes* during the latter part of the war as commander of the Post at Raleigh, capital of this State, and of the 3<sup>d</sup>. Brig, 2<sup>d</sup>. Div. 10<sup>th</sup>. A. C. stationed there on duty—

I feel safe in asserting that the feelings of by far the larger proportion of the people of this State are disloyal to the Govt— and Enamoured by the bitterest hatred towards the North and especially towards all who have been prominent in the Struggle against them— This is made abundantly apparent by the radical Southern press, which I am bold to assert reflects the Sentiments of the Southern people as a people

<sup>16</sup> Lincoln, on December 8, 1863, and March 26, 1864, issued amnesty proclamations. Johnson, on May 29, 1865, proclaimed amnesty and pardon so as to procure enough voters to reconstruct the state governments. See page 182, note 33, for a fuller account of this topic. Adams, *op. cit.*, I, 68-69.

<sup>17</sup> See note 7, page 173.



The Southern people, unless they are talking to *Gen. Grant* or some party or parties they suppose to be in influence at Washington, say boldly that they were not & are not conquered— Simply over powered by Numbers— that the North could never have beaten the South but for foreign aid in the way of mercenary troops from Europe, and British America—<sup>18</sup> that the South had to fight the whole world— that the Southern War debt ought to be paid that the South should be paid for their slaves set free by Gov't— and that the Southern Legislatures have done the little they have, under Military Compulsion— The Southern people are Especially bitter against the negro (though *afraid* of him) because he has been made free— Sometimes threatening loudly what they will do with him when his friends the “Yankee troops have been removed. There is not a corporals guard of white citizens in North Carolina who will be willing if all power is placed untrameled in the hands of the people to Extend any rights and privileges to the negro; tho' they have passed laws *ostensibly* for his protection those laws would be practically inoperative if the Military was removed— Were the people of this state at liberty to do as they please, unawed by the United States Military power in their midst God only Knows what a scene of anarchy and confusion would Ensur— In my humble opinion the people are no more fit for self government in the present Excited and confused condition of affairs than the inmates of “Sing Sing” or an Insane Asylum would be if they were colonized some where and left to manage themselves according to their own insane ideas—

Thieving— Highway robbery— Riots—Affrays in which stabbing and shooting are indulged as pastimes, by drunken brawlers. Rape (how any one could *even think* of such a crime in *North Carolina* I dont see) Arson— & all sorts of frauds are more than common— some of them are more than *uncommon* in their way— Plunder prowls abroad over the land— Murder stalks abroad at noonday, and its parent and attendant beastly Intoxication staggers openly at all times and without blush or apology through all castes of Society from the highest to the lowest— from the lowest to the highest— On all sides and among all classes profanity disipation and even some forms of worse vise have become so common as to be but little regarded—

All classes unite in abusing the Negro by word of mouth, and so far as they dare do so, by deeds of personal violence— Instead of moderate praise or even Encouragement to do right and labor honestly and Earnestly for his future welfare and Maintainance with a manly self reliance and self respect, the poor negro hears on all sides nothing but insult and abuse discouragement of Every description is heaped upon him, he is sneered at by all, and informed daily yes hourly that he is nothing more than an animal, that he is utterly unfit to be free, that he is incompetent to care for himself— that his race is now doomed to perish from off all the face of the Earth—that he *will not* work— that he is a thief by nature that he lies more Easily and naturally than an honest man breathes that he is inclined to drink— that not the slightest dependence is to be placed upon him in any respect, that he is destined to starve

<sup>18</sup> This is a false accusation for it is a known fact that Great Britain favored the South in the Civil War. From the beginning Canada was a willing asylum for copperheads, Confederates, and traitors. Its hostility to the North is shown in the famous St. Albans affair. John W. Burgess, *The Civil War and the Constitution*, II, 311.



or become a robber, that he is the lowest and meanest object in the scale of being— that he has no gratitude towards his master for his *many benefits* bestowed upon him that he has none of the natural affections for his own flesh and blood; that he is the most helpless and worthless creature Extant;—and finally least he should by chance in an instant of forgetfulness of his miserable condition rise to some trifling feeling of something like manliness and self respect in view of his new condition as a freeman, it is constantly impressed upon him from all quarters and frequently through the medium of the toe of a boot or two and that locality in which a Southerner supposes a negroe's [sic] brains to lie, if indeed he is willing to admit he has any at all that he is after all notwithstanding his freedom, now and forever more, "*Nothing but a demned nigger,*" In my opinion, if the negro possesses any or all of the vices and unpleasant traits ascribed to him— they are directly tracable to the bad company he has been compelled to keep for the past century or two—

The President, and the New York Herald,<sup>19</sup> Copper heads<sup>20</sup> and timid Republicans— and lastly and *leastly* Sand throwers and wool peellers of the South, who are loud in their *protestations* of loyalty, and who would deceive the Government and the people of the North by their *resolutions*, and other *bosh*, to the Contrary notwithstanding, I who have had an opportunity to See the scene shifters at work behind the curtain— and to hear the *private* sentiments of the Southerners publicly Expressed *Sometimes* by word of mouth, feel that the South is *not loyal*, No, not Even Conquered, and if the Military should be removed and the South "left to her own distruction" I fear she would bring a state or anarchy to pass in an incredibly short space of time— The press and the people of the South cry aloud for the Military to be removed, that *civil law*(?) may be *Established*; in my humble opinion no law can be Established here at present Except that law which is Enforced by United States troops, at the point of the bayonet— The "more intelligent classes" as Gen. Grant calls the politicians and large property holders, cry *loyalty loyalty*— Especially to any official of the U. S. Gov't— but it is only a bait, a subterfuge, a piece of trickery, used to get them back into the Union— which to them means to put them beyond the control of Congress and the U. S. authorities, to place them in a position to do as they please, to Exercise power, to shew their talent for anarchy and misrule to give them the opportunity to pass the most oppressive laws, to Enable them to murder, to rob, to intimidate, and drive off, as they please, without fear of punishment— because if tried for crime at all it would be by a jury of their "*peers*" in the same sort of thing— to Enable them to pass laws as they *already have* in this state making the penalty for stealing \$5 worth

<sup>19</sup> The *New York Herald* was established, May 6, 1835, by James Gordon Bennett as an independent journal. It was intended to be a penny paper, but its price was soon raised to three cents and later reduced to two cents, Jameson, *Dictionary*, p. 352.

<sup>20</sup> Copperheads or butternuts were terms applied to the Democrats who opposed the war policy of Lincoln. They were encouraged by the Democratic successes in 1862. They urged restoration of the Union by negotiations and not by war; denounced conscription, military arrests, emancipation, and other war measures; and were especially troublesome in the Northwest and other sections of the North. C. L. Vallandigham of Ohio, Alexander Long, Fernando Wood, and B. G. Harris were noted leaders. They organized in 1862 the "Knights of the Golden Circle," changed to "Order of American Knights" in 1863 and the "Sons of Liberty" in 1864. They controlled the Democratic party in 1864 and included in the platform a plank, written by Vallandigham, denouncing the war as a failure and demanding peace on the basis of a restored Union. Adams, *Dictionary*, II, 57-58.



of property—“death”—under which any perjurer could swear a man’s life away—<sup>21</sup> To Enable them to insult with impunity United States officers and Northern men— I do not fear any open resistance of the Gov’t, in the South— any disrespect to the laws of the United States— but give those lately in rebellion a chance to take their Seats in Congress— and remove the Military from the South— do away with the test oath<sup>22</sup> (which God forbid) and every member from the South in Congress will be in Every way opposed to the interests of the Country and will do all in his power to trig the wheels of Gov’t, and Especially to injure the North by legislation; the violent and disgraceful scenes of old will again be Enacted in Congressional Halls, and “the very Devil will be to pay generally”— as *Governor Vance*<sup>23</sup> said— But mark you; now that the Southern people have begun to discover that the pretences of loyalty are well understood at Washington by our wise and shrewd patriots in Congress, now that the infernal traitors who were but yesterday striving with all their power to break down the Gov’t— and cut our throats— with a cheek to be found only among the people of the South—have imprudently and arrogantly gone to our National Capital and there Knocked upon the doors of the Halls of Congress— been told “go away to your Everlasting darkies— I Know you not” and have sneaked back to their homes— crest fallen and humiliated, like *whipped hounds* to their Kennels— they have continually— and with an air of much apparent disgust— thrown aside the flemsy vail of hypocrisy they had so imperfectly drawn around them, as the *other* Ass in the fable was compelled to throw aside the lions skin having been betrayed in it by his own Ears, and bray, which latter he had Endeavored to impose upon the public as a *roar*— and are now braying loud and long their natural tones of disloyalty treason and hostility to our beloved Gov’t—, To such an Extent is their hatred carried that the term “Yankee” Exceeds any other in approbrium and contempt throughout the whole South—

The Southern people are in the main a cheap and ignorant Set—, and much addicted to *intoxication*; to see a southern politician *sober* is an anomaly— As far as meanness trickery and yankey sharpness go I can safely say they out Herod, Herod, I was told recently by a Southerner that “the noble and high *souled* Southern (Bah!) was vastly superior to the *Mercinary* race that now domineers over them” I told him I admitted it— in a *mercinary* point of view— and so I do—

I beg leave to suggest, with all due deference, that President Johnson is in Error when he says in his Message that the presence of military

<sup>21</sup> On March 10, 1866, the North Carolina legislature enacted a law which gave all persons of color the same rights and privileges as free persons of color before the emancipation proclamation, “except as the same may be changed by law.” The act then proceeded to make several changes in their favor. *Public Laws of North Carolina*, 1865, pp. 99-105; Walter L. Fleming, ed., *Documentary History of Reconstruction*, I, 197-202.

<sup>22</sup> See page 173, note 6.

<sup>23</sup> Zebulon Baird Vance (May 13, 1830-April 14, 1894) was born and reared in Buncombe County; studied law at the University of North Carolina; and began public life as a Clay Whig. He was in Congress, December 7, 1858, to March 3, 1861; was elected to the 37th Congress, but secession prevented him from taking his seat; supported the Union against the secession sentiment in the South while he was in Congress; and supported Bell and Everett in 1860. He favored the call for a secession convention in North Carolina; opposed secession until Lincoln called for troops; and became captain and then colonel of a regiment he organized. He was elected governor in 1862, by the support of the old line Union Whigs; fled Raleigh, April 12, 1865; surrendered in Greensboro, May 2; and was imprisoned in Washington, D. C., until July 6, 1865. *Dictionary of American Biography*, XIX, 158-61.



in the South will have a tendency to impede immigration,<sup>24</sup> "for who would willingly place themselves under military rule, if they could avoid it—" or some thing to that Effect— for although the *necessity* of military law in a State might deter persons from Settling there, how much more would that necessity coupled with its non Existence— do so— Military law and authority, at present in the South is in my opinion all that Enables American citizens from the North to remain here with safety, the same is true of some of their own citizens who have become obnoxious, to the majority, (who are *traitors*) from the loyal sentiments—

I think that if the southern people were at once restored to their rights as they facetiously call the privileges of true and loyal American citizens, and were the Military removed from here, the Southern States would not be safe territory for a loyal Northern man to invest his money in— In Short I firmly believe that nothing but Military power of the Gov'm't— for four years to come will make the South safe for Northern Industry and Capital— which the countries best material as well as political interests require in the South; Without this Military protection the South will be as much shut up to the North, as Japan or China used to be— The Southern people will do nothing to encourage Yankee immigration— on the contrary they will throw Every impediment in the way of a Northerner's Success— I understand that there are in some parts of the South Societies the members of which are Sworn to do all they can to prevent Yankee immigration. of course such attempts will be fruitless but they show the spirit of the people and how venomous it is—

Gen. Grant, cannot find out the real Sentiments of the Southern people in a flying visit through the South— Nor can Congressional Committees or any one who is Known as a Gov't official, or prominent influential man— it is the people who mixes with the people day by day, and has a chance to get behind the scenes, who Knows the real feelings of the people, and gets it from *their Mouths*. I have taken the liberty to address you because I understand you to be in favor of removing the Military from the South— I hope you will read this letter long enough to come to this part of it, and read my apology for intruding upon your valuable time. I am spending the Winter in the South for pleasure after the four years privations of the War— I might settle in the South if I was sure of Military protection otherwise *no*— If you should be so excentric as to wish to Know Who has bored you so Mr. W. P. Fessenden<sup>25</sup> can tell you who I am— So can any of the Maine delegation in Congress<sup>26</sup> I *guess*— or, as the North Carolina "Tar heels"

<sup>24</sup> Johnson, in his message, December 4, 1865, relative to military rule said: "Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule?" *Compilation of the Messages and Papers of the Presidents*, VIII, 3554.

<sup>25</sup> William Pitt Fessenden (October 16, 1806-September 8, 1869) grew up in Maine; became a noted attorney; served in the legislature; was elected to Congress in 1840, but served only one term; and entered the United States Senate, January 4, 1854, where he became an outstanding figure. For about ten years he served on the finance committee; he became Secretary of the Treasury, June 29, 1864, but resigned, March 3, 1865, to reenter the Senate. He was a strong Union man and favored Congressional Reconstruction, but he did not belong to the extreme radical group. *Dictionary of American Biography*, VI, 348-50.

<sup>26</sup> The other Senator from Maine was Lot M. Morrill, and the Representatives were John Lynch, Sidney Perham, James G. Blaine, John H. Rice, and Frederick A. Pike. *Biographical Directory of Congress*, p. 286.



would say "*I reckon right smart of Em*" knows me by *name*

Yours resp—

G. F. Granger<sup>27</sup>

Of Maine—

My wife wants to Know "who" I "suppose" I'll "ever get to read that stuff" I told her it would be just like *some one* to read it— G.F.G. p. S. This letter has been very hastily written and is not worth the paper it has consumed, but— I feel as though I had as much right to bore a public Character as any other American "Sovereign" and you happen to be the unfortunate victim— I wish you would drop me a line just to let me know that you have changed your mind about removing the Military from the South

G. F. G.

Mr Stevens

Dear Sir I hav [*sic*] ben [*sic*] a union man all the time I am now god forbid that I sho[u]ld be enney thing else my papers will show that if your opinion prevail and Mr Summers<sup>28</sup> I can live if not union men like my self can not live in the South I ask is thar[*sic*] no protection to union men my god how long shall I be prosacuted [*sic*] by Seccessions I was a Slave holder but never did believe it to be right if you take the South back in the union tho that rebel against the best goverment [*sic*] in the world will give you truble [*sic*] gents will you be so kind as to drop me a line what congress will doo [*sic*] I was born in the South I no her better than you doo if you take her back in the union at this time you will hav truble [*sic*]

Henderson N C

Feb the 8 1866

your friend J. W. Ragland<sup>29</sup>

Mr Stevens and Summers if you wish to now who I am drop me a few lins and let me now who you will take for reference gents let me her from you

yours truly

J. W. Ragland

<sup>27</sup> George Frederick Granger of Maine became first lieutenant in the Maine Infantry, September 22, 1861; captain, September 23, 1861; major, July 1, 1863; lieutenant colonel, September 25, 1864; colonel, October 9, 1864; brevetted brigadier-general of volunteers, June 12, 1865, for faithful and meritorious service during the war; honorably discharged, July 13, 1865; and died February 10, 1883. Francis B. Heitman, *Historical Register and Dictionary of United States Army*, I, 469.

<sup>28</sup> Charles Sumner (January 6, 1811-March 11, 1874) was a great force in Congress during Reconstruction. He was an outstanding abolition leader and one of the founders of the Free Soil party, and served in the Senate from April 24, 1851, until his death. *Biographical Directory of Congress*, p. 1586.

<sup>29</sup> After extended research it has been found impossible to identify J. W. Ragland as well as Chas. Goddard, W. D. Harrison, and Dr. John C. Smith.



P. O. Goldsboro' 22<sup>nd</sup> Feb<sup>y</sup> 1866

Hon Thad. Stevens

Dear Sir, The anxiety with which we await the action of Congress<sup>30</sup> in matters concerning this part of the Union is as exciting as when our Country was divided into two sections, and arrayed against each other on the eve of a great battle.

On these occasions the loyal men of the South have endured feelings agonized beyond description. And how are we now? I need only refer you, sir, to the tone of the Southern press. Every office of trust, honor, or emolument is now in the hands of rebels and you may easily imagine who are the persons of their choice.—“A young *Soldier* who lost his arm at the battle of &c.\_\_\_\_\_ An officer of indomitable courage and intrepidity &c” and so on, eulogizing every appointment. Now I would ask loyal men North and South are such things to continue?—and if so, In God's name let us prepare to leave. Here we have organized a government and appointed a class of magistrates of foresworn men—men who had held this honorable office previous to the war, and of course taken an oath to support the Constitution—And now these men are appointed by the Gov<sup>t</sup> to decide matters and dispense justice to loyal men. an incident—A gentleman—a magistrate under the Old Gov<sup>t</sup>. and who joined not in the rebellion until he was taken in by Conscription, and who, when a fit opportunity offered, deserted from the rebs, was offered for appointment in our present legislature— it aroused all the venom of the house and the press of the State generally and such abuse no man could imagine as was poured out against him denouncing him as perjurer &c &c. And again, this legislature on the recommendation of Gov. Worth<sup>31</sup> are, out of the State treasury, providing artificial limbs for maimed rebels. This sort of Compulsory Charity for treason may suit the palate of some, but the Union men of this State would rather be the dispensers of their own bounty— What! get legs and arms for wretches who when our poor fellows sick and helpless fell into their hands, buried them alive in pits— In the name of heaven if savage warfare, and its abettors are to be so respected let us unite in converting our Country into another Mexican Republic at once

I have no doubt sir, it will be a source of gratification to you to Know that your efforts are appreciated by the genuine loyalists of the South, maugre the slang and vituperations of Copperheads and Rebels which are synonymous terms, differing only in local use.

It is much to be regretted we have so few loyal papers in the South; but this is the best criterion of the loyalty (?) of our citizens:— Again,

<sup>30</sup> When Congress assembled, December 4, 1865, the radicals, led by Thaddeus Stevens, took control of that body. The members elected to seats from the South were not accorded the recognition given to usual claimants for seats. The radicals then pushed through Congress a resolution creating the joint Reconstruction Committee of fifteen members. The House also passed a concurrent resolution, accepted by the Senate, March 2, 1866, that no Senator or Representative would be admitted from the late insurrectionary states until both houses of Congress said ‘the states were entitled to representation. William A. Dunning, *Reconstruction, Political and Economic*, pp. 51-2, 61-2.

<sup>31</sup> Jonathan Worth (November 18, 1802-September 5 1869) practiced law; served in the legislature; engaged in business, such as plantation, turpentine, railroad and plank road promoter; and became an outstanding leader in politics. In the legislature, 1860-61, he opposed secession as he had opposed nullification in South Carolina nearly thirty years before. After secession he supported the South; was state treasurer, 1862-65; was elected governor in 1865 and 1866; but was removed in 1868 by General Canby. He favored the new constitution of 1866, but opposed the fourteenth amendment to the federal Constitution. He opposed Congressional Reconstruction, but was friendly to Daniel E. Sickles. *Dictionary of American Biography*, XX, 536.



our loyal men have been so cowed down during the war, and with the prospects now before them of power and patronage being again thrown into the hands of their political enemies, And you may judge of their humane feelings by the developments of Andersonville.<sup>32</sup> Now we believe President Johnson to be not only a good man but a wise statesman, Still he is but a *man*. Even his own goodness is a largely contributing cause of his own self-deception; for he judges others too much, I fear, by his own sentiments yet I would say that a more obtuse discernor than we suppose Our President to be, Could not but perceive that Union men,— the object of Southern aversion even more than the Yankee— will be completely ignored by the party now in power here And what good can result to Union men by the examination of such Southern idols as Rob<sup>t</sup> E. Lee? I am really astonished at— I could almost say the duplicity of— acting such a farce

One thing *I* would suggest— and that purely from a desire for the Negro's good— is the setting apart some territory or State for themselves And while I must acknowledge myself vindictive enough to see the arch rebels of the South humiliated, Yet our country is for posterity; and I believe I am sufficiently conversant with the habits of both races to Know that they cannot live together in harmony—, If by themselves, in the laps of a few generations and under proper culture, they might elevate themselves considerably in the social scale but here— both races must become quite transformed in habits and modes of thinking ere they can live together agreeably— You will pardon my thus intruding on your precious time, but I thought It might not be unacceptable to you to Know that the loyal men here appreciate your course.

I am, dear Sir  
Very respectfully  
&c &c

John Robinson<sup>33</sup>  
P. M. Goldsboro'

PS. Might I hope you would do me the favor of ordering a few samples of seeds, cuttings &c from the Patent office to my address? As we are out of the Union we are out of every thing here. J. R.

Graham N. C April 20<sup>th</sup> 66  
Hon Thadus Stephens  
Dear Sir

you Will Excuse me for making free to ask a Small favor at your hands,  
I E to Send me Some reading mater political in Favor of the Republican

<sup>32</sup> The prison at Andersonville, Georgia, was operated from February, 1864, to April, 1865. It was hastily erected on account of the drain on the food supply about Richmond. Food, clothing, and medicine for the prisoners were very poor. It was a long stockade covering sixteen and a half acres, later increased to twenty-six acres. A stream running through it furnished it with water. Corn meal and beans, without any meat, made up the usual diet. Respiratory diseases, diarrhea, and scurvy killed thousands. In the summer of 1864 there were 31,678 prisoners in it. The national cemetery there contains 12,912 graves. Captain Henry Wirz was tried and convicted of murder for which he was hanged, November 10, 1865, but later investigation has proved much in his favor. Adams, *Dictionary*, I, 73.

<sup>33</sup> On July 23, 1866, President Johnson nominated John Robinson to be deputy postmaster at Goldsboro, North Carolina, and the nomination was confirmed, July 27, 1866. *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 2, 1017, 1043, 1169.



party— the peopel here are Deprived of any information only on one Side of the question— We started off when the rebellion Ceased in the right direction but ware Soon Stopped in our Carear by the Cecesion party— We the old union party<sup>34</sup> do not understand why it was that they were placed in power to reconstruct the Government<sup>35</sup> & then handed over to their political Enemys By the pres backing Down From his reconstruction policy<sup>36</sup> pardining all rebels & Establishing them in rule over the weaker party the Cecesionist have Taken Fresh Courage by the pres Course towards them the Consequence is that union party here are Discouraged & Brow beaten as bad as before the Surrender For Example the provisinal Governor was apointed County & State officers apointed & Every thing was working well— the next Step was an Election by the hole of the peopel all pardoned & the, Ceces, being the Strongest prevailed & the old & True union party went by the bord the Consequence was they ware all removed & the Cecs, reenstated Even all the provisional Magistrates For our County ware removed Mayar Town Commishoners Sheriff & C the provisional Gov had apointed a majority union magistrates our Cecesion Legislature apointed 70, Ceces, Mgstrates & 8 union So you may Guess at the Chances for the Weaker party, union,— We the union party have not been abel to See any Good results From, Capt, Johnsons reconstruction polacy Commenced & not Caried out— Supposing that you ware in Some Degree Like Myself Not having as Much information as you might wish I have writen thus I think a Large mejority of N C will prove the above to be a Good Criterion

as we have no representation in Congress any public Speeches newspapers & C Will be thankfully received at this office— as I am P.M. at this place Graham I have been Solisited to Communicate We do not Consider ourselves out of the World if We are out of the union & having no representativess there we Dont feel So much out of our place to make Such requests I hope to hear from you Soon  
yours very respectfully

Jo<sup>s</sup>. B. McMurry<sup>37</sup>

Honor Thadius Stephens

<sup>34</sup> The Union Party was headed by Lincoln during the war and put the preservation of the Union above everything else. The National Union party nominated Lincoln and Johnson at the convention, June 7, 1864. John Spencer Bassett, *Short History of the United States*, pp. 581, 584.

<sup>35</sup> Lincoln held to the idea that a state could not secede but that the people had rebelled, so that all that was necessary was for the executive to replace this disloyal element by the loyal people. All who would take the oath to support the Constitution and abide by the acts of Congress during the rebellion and the proclamations of the President until modified or repealed by the Supreme Court would be pardoned except civil and diplomatic officers in the Confederacy; military officers above the rank of colonel; naval officers above the rank of lieutenant; those who had left seats in Congress to take part in the rebellion; those who had resigned judicial positions or army or navy commissions to join the rebellion; and those who had treated those found in the service of the United States in any other manner than prisoners of war. When a number equal to ten per cent of the votes cast in 1860 had taken this oath, they could reconstruct the state. Under this plan he reconstructed Arkansas, Tennessee, and Louisiana, and held that the Pierpont government was the real government of Virginia. Johnson added to the excepted classes those who had been governors of so-called Confederate states; those who had assisted in destroying the United States commerce; those who had left the United States to aid the rebellion; those who had taken the oath under the proclamation of December 8, 1863, and then broken it; and those who had more than \$20,000 worth of taxable property. Before Congress met, on December 4, 1865, Johnson had reconstructed all the other Southern states or had them in the process of reconstruction except Texas, and that winter she followed suit. Johnson never made it clear whether he required a majority of those voting in 1860, or merely ten per cent. He and Lincoln personally pardoned many in the excepted classes. John W. Burgess, *Reconstruction and the Constitution*, pp. 8-10, 31-40.

<sup>36</sup> Johnson did not back down on Reconstruction, but Congress took it out of his hands when they refused to seat the Senators and Representatives from the South. Burgess, *Reconstruction and the Constitution*, *passim*.

<sup>37</sup> Jos. B. McMurry was postmaster at Graham, North Carolina, at a salary of \$250 per annum. He was in office in 1866 and 1868. *List of Post Offices and Postmasters in the United States, 1864-1870*, *passim*.



Fayetteville North Carolina 30 April 1866

The Hon<sup>ble</sup> Thaddeus Stevens

Sir

I write you praying that you will do something for the poor people of this State.

Hundreds of the leaders of the rebellion who took good care to remain at home even by false swearing; carried on such a system of extortion, that they caused the greatest distress; and in consequence, thousands sold their Houses and lands to support their families and in many cases when they refused to take Confederate Scrip for their property, they were threatened with all kinds of punishment for so refusing, the consequence was that property that was worth enough to support a family for two years was sold for what would purchase scarcely enough to keep them one Month. The consequence is that all that kind of property now is in the hands of the most dishonest and unprincipled set of Men in the World. Men who have been well paid for bringing about the rebellion, and that would be glad to do the same again; and for the slaves that they have lost (which they never ought to have had) they have gained by foul means good and valuable property

I sincerely pray that you will give this subject some attention and if the deeds made must remain in force, that the makers may receive some remuneration for their property.<sup>38</sup>

and your humble Servant will be for ever thankful

Cha<sup>s</sup>. Goddard

P.S.

In connexion with the above as regards yourself, in June 1861 I sold my house and lot in Goldsboro N C for good and lawful money (at the price of 1860) before any Confederate Scrip was in existence That I am aware of fraud [*sic*] in 1863 when Confed: scrip was becoming worthless the purchaser offered me the greater part of the payment, I refused the payment, but the purchaser insisted on my receiving it, and under the circumstances I unfortunately did so; and as it is entirely worthless of course I find myself much wronged and pray for redress. Confederate scrip was not made a legal tender therefore can it be made a proper remuneration for property

C. G.

New Berne May 7<sup>th</sup> 1866

Sir

As corresponding Member of a Committee for carrying out the objects of a meeting held yesterday by the Freedmen of this Town

<sup>38</sup> During the war the Confederacy and the states issued bonds and treasury notes. *Specie* was chiefly sent abroad for supplies. Paper money sank to a small fraction of its face value. Counties, towns, insurance companies, and mining companies issued their promises to pay. Before the close of the war the Confederacy alone had issued more than a billion dollars worth of notes. Produce loans and bonds for cotton, tobacco, and turpentine were often used for money. By a law of March 12, 1866, North Carolina fixed the gold exchange value of Confederate money for excretory contracts for different times during the period. For illustration, in January, 1862, it was \$1.20; January, 1863, \$3.00; January, 1864, \$21.00; January, 1865, \$50.00; April, 1862, \$1.50; April, 1863, \$5.00; April, 1864, \$20.00; and April, 1865, \$100.00. Bassett, *Short History*, p. 590; *North Carolina Laws, 1865-66, Public Laws, 1866*, pp. 97-8.



I beg respectfully to hand you the enclosed Resolutions. These Resolutions were unanimously adopted by a large and enthusiastic assembly convened to consider certain statements which had been made by Generals Steedman<sup>39</sup> & Fullarton<sup>40</sup> on their recent visit & a letter which appeared in the "New York Herald"<sup>41</sup> I may add that they considered the finding of the Court as stated in that Article to be in direct opposition to the evidence produced, and the gratuitous insult to the gentleman who demanded the investigation as a pitiful effort to wriggle out of a sorry scrape

I am Sir

Yours Very Respectfully

S W Laidler<sup>42</sup>

To The Hon<sup>ble</sup>. Thaddeus Stevens

#### Resolutions

Whereas it has pleased His Excellency Andrew Johnson President of the United States to appointment certain Generals to visit the South and enquire into the affairs of the Freedman's Bureau, not as we understand for the purpose of correcting existing evils or perfecting the working of the Bureau, but for the purpose (as appears to us) of finding some ground for demanding its removal & creating Political Capital in favor of the President's Policy which if carried out will (we fear) place us in a very precarious position

Be it resolved

1 That so long as the State and United States Governments refuse to grant us the right of Suffrage (the only peaceable means of protecting our own interests); so long as the punishment inflicted on a colored man for crime (or pretended crime) is different from what would be inflicted on a white man for a similar offence; so long as colored men if necessitated to be abroad after a certain hour at night are subject to arrest search and the forfeiture of weapons (if they have any) while white men can walk at all hours without molestation; in a word so long as we are not made equal before the law, we consider the Freedmen's Bureau an indispensable necessity<sup>43</sup>

<sup>39</sup> General James Blair Steedman (July 29, 1817-October 18, 1883) was born in Pennsylvania and died in Ohio. He learned printing; served in the war in Texas; and settled in Ohio. He was in the legislature; went to California in the gold rush; and became a colonel in the Ohio army in 1861, brigadier-general, July 17, 1862, and fought in Tennessee and the South. He was made major-general, April 20, 1864; was provincial governor of Georgia for a while; served as collector of internal revenue at New Orleans; and returned to Ohio in 1869. He with General J. S. Fullerton made a tour of the South for the purpose of investigating the work and the administration of the Freedmen's Bureau. Their report on the conduct of Colonel Whittlesey and others was a most severe indictment. Colonel Whittlesey was accused of being engaged in farming in Pitt County. This report is found in *The Sentinel* (Raleigh, N. C.), May 3, 1866. Hamilton, *Reconstruction*, pp. 300, 321-3; Appleton, *Cyclopaedia of American Biography*, V, 659; *Dictionary of American Biography*, XVII, 554-5.

<sup>40</sup> General Joseph Scott Fullerton was inspector of the Freedmen's Bureau after the war. He lived in Ohio and Missouri and became a first lieutenant in the Missouri infantry, October 14, 1862. He was made major in the volunteers, March 11, 1863; lieutenant colonel, November 10, 1863; brevetted colonel of volunteers, March 13, 1865 for meritorious services during the Atlanta campaign; and was mustered out, September 10, 1866. He died on March 20, 1897. Francis B. Heitman, *Historical Register and Dictionary of the United States Army, 1789-1903*, I, 440; Hamilton, *Reconstruction*, p. 300, 321-3.

<sup>41</sup> See page 177, note 19.

<sup>42</sup> S. W. Laidler was involved in the Trent Settlement. See page 186, note 44.

<sup>43</sup> See page 178, note 21.



2 That while we strongly condemn the atrocities committed upon the Freedmen in the Trent Settlement<sup>44</sup> by Edward S. Fitz<sup>45</sup> and deeply regret that other Agents of the Bureau have not been able to satisfy all concerned, Yet as a few leaky places in the roof of a mans house would not be considered a sufficient ground for pulling it down & living out of doors neither can we see sufficient reasons in these abuses for removing the Bureau but a greater reason why it should be perfected & maintained

3 That so long as the Federal Government refuses to grant us the right to protect ourselves by means of the Ballot,<sup>46</sup> it is its solemn duty & we will hold it responsible before God for our protection & we believe that this protection will be best secured through the Freedmen's Bureau

4 That we thankfully acknowledge the privileges secured to us by the "Civil Rights Bill"<sup>47</sup> and whenever the Elective Franchise is also guaranteed to us we will ask no further special protection from the Federal Government; for then united with our white friends in the South we will be able to secure for ourselves every desired or desirable means of prosperity

<sup>44</sup> "Some Outrages of the Bureau. Opposite Newbern, on the opposite side of the river, some 2,500 freedmen have been settled for five years past. They were invited there by the military, and located on little plots of ground which they were allowed to cultivate. Eight months ago Edward S. Fitz, a Massachusetts preacher was placed in charge of the Trent River settlement by Captain James, another New England preacher who was then conducting the bureau here. A system of exaction and cruelty was immediately inaugurated. Fifty cents a month ground rent was demanded for every plot on which the miserable little cabins were erected. Every negro who owned a boat had to pay two dollars and a half a month, or his boat was forfeited. Every darkey who kept a store was taxed five dollars a month. Every one who owned a horse was taxed a similar amount. Failure to pay any of these exactions was punished by the imprisonment of the man or his wife—preference being given to the wife—the confiscation of all his property, and in many cases the tearing down of his house. A negro who quarreled with his wife was fined one hundred dollars and sent to prison until he paid it. All the extortions were practiced upon a population steeped in the deepest poverty, scourged by disease, and many of them wanting the common necessities of life, and in this manner an income of at least eight hundred dollars a month was derived by the Bureau. The complaints of the people became at last so loud that Mr. S. W. Laidler, an agent of the American Missionary Society embodied some of the more atrocious cases, in a series of charges, and laid them before Captain Seely, the Bureau Superintendent at Newbern. A court of inquiry was demanded by Mr. Fitz and a committee of investigation was ordered by Captain Seely." The charges laid before the court were many and interesting. The charges were not all sustained, but Fitz was recommended by the court for dismissal. He appended an opinion that these charges were not made against him by Mr. Laidler with any desire to benefit the freedmen, but from more personal spite. Quite a number of charges were sustained.

A Negro boy sixteen years of age was hung up by wrists and left hanging from noon to sundown. A Negro boy found under the store of Joseph Fowle was charged with theft, struck with a brick by him in the presence of Fitz who approved of it, and then hung by the wrists, and Fowler was permitted to pinch him in the most tender parts of the body until he yelled. Fitz had women arrested who spoke disrespectfully to him, but was released after strong protest of Laidler. A Negro man named Perry was kept in jail for debt after he had paid half of it. His wife and child died of smallpox and were buried in the cradle and coffin bought by neighbors. Fitz arrested a boy eight or ten years of age for playing on the road and kept him all night and released next day when his father paid five dollars. He fined two men \$51 and \$5 for firing a gun when only evidence was possession of a gun by one of the men. He fined an old man seventy years of age \$60 and put him in prison until this was paid, because he had warned a man who fled the officers. He was promised freedom if he would catch the man, but he paid his fine. Fitz's uniform fine for resisting arrest was \$15, and \$5 for arrest. *New York Herald*, May 2, 1866, p. 8; *Newbern Daily Times*, May 7, 1866, p. 7.

<sup>45</sup> Edward S. Fitz of the Bureau R. F. and A. Lands, Eastern District of North Carolina, was Superintendent of the Trent River Settlements, James City, near Newbern. He defended himself in the press. *Newbern Daily Times*, May 7, 1866, p. 1; *New York Herald*, May 2, 1866, p. 8.

<sup>46</sup> By 1865 some of the most radical had begun to talk about Negro suffrage; the first Reconstruction act in 1867 required it for the conventions and ratification of the first state constitutions; the fourteenth amendment reduced representation in Congress in proportion as the number of free male citizens over twenty-one who were disfranchised bore to the total number of male citizens over twenty-one; and the fifteenth amendment prohibited the disfranchisement of people on account of race, color, or previous condition of servitude. Dunning, *op. cit.*, *passim*. Reconstruction, *passim*.

<sup>47</sup> The first civil rights act was passed over the veto of President Johnson, April 7, 1866. It was an attempt to make the Negroes equal to the whites in the enjoyment of civil rights. Parts of this act were incorporated in the fourteenth amendment. In 1875, as a memorial to Charles Sumner, Congress passed the second civil rights act, but the Supreme Court in various cases declared most of its provisions unconstitutional. Walter L. Fleming, ed., *Documentary History of Reconstruction*, I, 197-202; II, 294, 295, 428.



5 That not bold declamation, high sounding words or multiplicity of promises, but Acts which speak louder than words are the Standard by which we shall judge of our friends; and as the Majority now in Congress have evidenced their determination to exhaust every effort to secure to us all the blessings of freedom, we recognize in them and their supporters our best friends and doubt the sincerity of all pretended friends who oppose their general policy

6 That a Copy of the foregoing Resolutions be forwarded to [His Excellency the President of the United States, This was marked out] to The Hon<sup>ble</sup>. C. Sumner & Hon Thaddeus Stevens and to the Editors of the "Tribune"<sup>48</sup> and The Philadelphia Enquirer<sup>49</sup> and The Washington Chronicle<sup>50</sup>

Asheville North Carolina  
May 15<sup>th</sup> 1866

Hon. Thaddeus Stevens

Dear Sir—

At the request of many good Citizens of this part of the State, I ardently desire as an *humble Citizen*, to make Some direct declarations to you, relative to the Political, Legislative and Executive State of affairs, locally Considered, in our State, Specially in the Western part— And in so doing my Statements Shall be as Correct, impartial and dispassionate as I can make them—

You are, probably, well aware that a very large number of the good Citizens of the Secession States, Specially North Carolina and Tennessee were, at the Commencement of the late war, and are yet, as loyal to the Federal Government as any people in the United States— And that those who Could not remain at home during the war without Committing themselves to the Rebellion fled North Carolina, as did loyal men elsewhere, and took refuge in and behind the Federal Army— They did this, not for Crimes that they had done— Not for the Sake of gain, emoluments or honor— Not for want of *Valor to fight*— But because they were honest and loyal to the Old Government— Government of their Fathers— and loved with an ardent Zeal all the Sacred tenets of our glorious Union— And because they Could not with Such Constituent principles and feelings, breathe in an atmosphere all poisoned with high Treason and blackened by the Fiendish Staunch of murder and the foulest Crimes known to any Laws— These are the reasons why our fellow Citizens bid a last adieu to their homes and loved ones in the sable hours of night and groped their way through wild mountain gorges, Rebel pickets and grurillas in in quest of friends and protection in the Union Army—

Western North Carolina furnished a quota of Officers and Soldiers to the Federal Army, amounting to about four thousand, amongst

<sup>48</sup> *The New York Tribune* was established on April 10, 1841, by Horace Greeley as a penny newspaper. He was assisted by Henry J. Raymond, Charles A. Dana, George William Curtis, Bayard Taylor, Albert Brisbane, and other noted writers. Jameson, *Dictionary*, p. 352.

<sup>49</sup> *The Philadelphia Enquirer* was established in 1829, and was at the time of the Civil War an outstanding news organ of America. *Union List of Newspapers*, p. 613.

<sup>50</sup> From 1861 to 1911 the *Washington Chronicle* was a noted American newspaper. *Union List of Newspapers*, p. 85.



whom I was one—<sup>51</sup> Our men Suffered many privations and hardships and fought and bled on many fields for the Union and the laws in their purity— and Some of us are to-day bearing marks and Carring deadly Missiles in our flesh that we received on the field of Carnage and blood—

And whilst there are Some of our numbers who are men of "no Constitution or Character," the great body of Union men and discharged Federal Soldiers in North Carolina are men of responsible qualities of no *mean Consideration*, notwithstanding the nefarious efforts, foulmouthed Slanders and vulgar *Slang* and *Slash* of Gen. Tho<sup>s</sup>-L. Clingman<sup>52</sup> "Bill Arp"<sup>53</sup> and other dysloyalist in the South whose highest ambition is to pour out their Seventy times Seven Vials of wrath upon the general Government and Specially upon the Union men in their own Sections—

But the war is over and we are again at our homes and we did hope that all would Soon be well, and that peace would be restored to our Country— But we have no peace— The Offices throughout the whole State organization from Governor down to magistrate and town Constable are filled almost entirely by original Secessionist and "Aristocratic Submissionist" who held Rebel Offices and took an active part, more or less, in the Rebellion, and in their various official Capacities most of them have proved themselves to be as dysloyal to the Federal Government as they ever were, while they have shown more *Vindictive Malice* towards union men than they ever did. The union men never have Suffered to much Severe persecution Since the war was first talked of as they have Since its close, and these dysloyal men have been Clad with So much State authority—

These Officers, generally, are imprudent and reckless, often threatening through their public Journals and their Official Edicts(?) that they "will now accomplish by law and Legislation what they failed to accomplish by Arms in the war." that they "will make union men Scarce in North Carolina— And that "Union men never Can represent this County" &C. &C. Whilst they Subject the loyal people of every grade and order to the most insulting taunts, indignant charges and disgracefull epithets Such as "Traitors," "Tories" &C.

Meantime by Some way unaccountable "turn of the wheel on the tickets," or by some other mysterious accident, the grand jurors both for the County and Superior Courts are chosen in Some of the Counties almost entirely from the Secesion ranks— men who have been "died deep in the wool" and have "kept the faith after the Strictest Sict" of Rebels— They seem to know well their business and "all dance admirably to the pulling of the wires—" In Session they are incesantly

<sup>51</sup> Western North Carolina was almost as loyal as East Tennessee and many of her men either enlisted in the Northern army at first or deserted and joined the Union army as soon as they had opportunity. The mountains of North Carolina were filled with deserters and very few of them were ever apprehended even if the State did maintain a large home guard in that section.

<sup>52</sup> Thomas Lanier Clingman (July 27, 1812-November 3, 1897), after graduating from the University of North Carolina and studying law, served in the North Carolina senate, was in Congress, March 4, 1843, to March 3, 1845, and from March 4, 1847, to May 7, 1858, when he resigned to go to the United States Senate; was reelected in 1861, but withdrew, March 28, 1861. He was an officer in the War, and measured many of the mountain peaks in North Carolina. Appleton, *Cyclopaedia of American Biography*, 1, 658-9; *Biographical Directory of the American Congress, 1774-1927*, p. 824.

<sup>53</sup> "Bill Arp," Charles Henry Smith (June 15, 1826-August 24, 1903), a noted journalist and humorist, was born in Lawrenceville, Georgia. He practiced law; served in the Confederate army; and was later state senator and mayor of Rome, Georgia. His literary reputation rests on his contributions to the *Atlanta Constitution* for a period of more than thirty years. He spent the latter part of his life in studying and writing. With his combined common sense and genial satire he was a sort of precursor of Will Rogers. Stanley J. Kunitz, and Howard Haycraft, *American Authors, 1600-1900*, pp. 694-695.



engaged in presenting and having prosecuted all union men for any and every trivial offence that they may have been Compelled to Commit against the Statutes of the State, either in the Capacities of Citizens or Soldiers during the war— So far, Federal Orders and Federal authority has not been respected by those Courts.

I will give you only one example— A scouting party headed by a soldier who had due and legal authority from Col. G. W. Kirk<sup>54</sup> of the 3<sup>rd</sup> Regt. N. C. Mt. Inftry (Federal) was sent by the Col— from Knoxville Tenn. on an Expedition into Western North Carolina in the Spring of 1864. The object of the Expedition was to recruit Soldiers for the Federal Service and for other lawful purposes— As they passed through Buncombe County N. C. where most of the party lived, having enlisted several raw recruits and being menaced on all Sides by the Rebels, they seized upon and Captured, for their own Safety and protection, a number of guns, pistols and Swords that had been deposited by Rebel scouts at different Citizens' houses in that neighborhood— And this party done nothing more, except they slightly wounded two "individuals" belonging to the "Aristocratic department," a Negro and a dog, who attempted to interfere with the Capture—

But these "Simon pure" jurors have seen proper to have them duly arraigned by indictment before their immaculate "Court of Justice" to answer to the charge of forceably taking arms from those private houses "against the Consent," I suppose, of either the Negro or the dog, but I don't know which, and "against the peace and dignity." of the "peticoat Government" in North Carolina— And are to be publicly tried at the next pending term of Court for the County, when No doubt the Statues of the State will be plead against them and the penalty inflicted accordingly, regardless of Gen. Grant's order or any thing else—

Whilst there are men living in the same County and adjoining Counties who belonged to and operated with Rebel scouts and grurillas although this County and took by theft and force of arms every thing that they Could place their hands upon with safety, from the size of a horse down to the size of a chicken, plundered union men's houses, rifled Safes and trunks, stole women's and children's clothing, and shamefully abused and publicly whiped and hung union women— And last, though not least, they willfully and deliberately murdered union men, boys and women!

Yet these Murderers and Feendish Vandals are going about unmolested and are even protected by State Legislation and are spoken of as being the "right kind of men—"

How long will this awful state of affairs yet exist in our Country—? How long will we be subject to dysloyal rule and this double dealing in law? How long will we have to bow our necks to this galling yoke of dysloyal *wrath and Vengeance* that is being poured out upon us, with—

<sup>54</sup> In 1870 Governor Holden was determined to force the fight on the "Ku Klux Outrages" and to make use of the authority conferred on him by the Shoffner act to intimidate the electorate. For this purpose he organized two regiments of troops—one of them was placed under the command of Colonel George W. Kirk, a bushwhacker of Tennessee, former commander of the 3d. North Carolina Federal troops of volunteers during the Civil War, who was known as a "desperado and brutal character." Kirk recruited his regiment of 670 men in Eastern Tennessee and Western North Carolina, enrolling a number of men who had served under his former command. He took them to Company Shops (now Burlington) and there they entered the state service. Captain B. Rodney in command of the Federal troops in Caswell County protested against the outrages committee by what he termed "nothing but an armed mob." R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, II, 327-28.



out measure, in the shape and under the pretention of law? There is no protection of Safety afforded Union men by the State organization. We can only look up as private Citizens to the high authorities of the Federal Government for protection and Justice— Can any thing be done for us—

The Federal Soldiers on being mustered out of service and arriving home Conducted themselves with a great deal of magnanimity and respect towards the Confederate Soldiers and Citizens of this Country, from whom they had received the most inhumane treatment and unpardonable insults— And they have remained peaceable and law-abiding mostly cheerishing and inculcating fraternal feelings between man and man— But seeing the spirit of the Rebellion reviving again and rapidly kindling into a flame with all its Comcomitant evils— and that persecution— that vile fiend of the Rebellion— is again being turned loose upon them— not with balls and bayonets— but with a perversion of the Civil law, they are becoming very anxious— anxious almost to recklessness— And it is to be feared that the whole Union part of this County will soon be driven into a State of *desperation*.

May Heaven avert it.

I transmit the above statements without any hesitation or fear of Contradiction from any loyal Source whatever, and will furnish Corroborative testimony if necessary—

All of which I respectfully submit to the most judicious Consideration of your Honor— hoping that you may wield an influence in the Congress of the United States that will redown to the benefit and relief of the oppressed Union men in the South—

I am Sir

Very Respectfully

Your Obt. Servt

Marion Roberts<sup>55</sup>

Late Surgeon 3 Regt N. C. Mt. Infty— (Federal)

P. S. Least my motives should be suspected allow me to say, that I am not a candidate for any office— Never have been— never have been defeated for office— never have been writted, indicted or otherwise prosecuted at law— for any Crime whatever— And that I have no personal, individual or pecuniary interest in any Suits now at law or pending law. The above letter is written through pure motives, only. M. R.

Goldsboro' N. C. 15<sup>th</sup> May 1866

Hon. Thaddeus Stevens,

Dear Sir,— On behalf of the loyal men of N. C. I beg to offer you congratulation for the sentiments so well— so appropriately and so nobly and patriotically expressed by you in Congress in the detate on the Constitutional amendment.<sup>56</sup>

<sup>55</sup> Marion Roberts was a land owner in Buncombe County. On January 4, 1873, he and his wife deeded to the Methodist Episcopal Church one acre of land on Flat Creek, and, January 27, 1883, he deeded to B. B. Anderson one acre on the same creek. George A. Digges, *Buncombe County Grantor Deed Index*, p. 3003-R.

<sup>56</sup> Thaddeus Stevens took a leading part in the debates on the various parts of the fourteenth amendment, and then on the omnibus amendment after it was assembled. *Congressional Globe*, *passim*.



Notwithstanding the grumblings of Northern copperhead editors<sup>57</sup> and Southern Secession malignants, the true and loyal heart of this still great Republic beats responsive to the utterances you put forth on that occasion; and it will be gratifying to you to know that the Union men of the South cherish and applaud your course.

It may not be impertinent to remark— tho' you must be already aware of the fact— that Union men here have got nothing to do with our State affairs. Sheriffs, Magistrates, S. C and C. C. Clerks all, all are selected from among the Secesh.— Nay there has been even appropriation set apart from the State treasury to purchase limbs for maimed rebels, and *we*, of course, are thus taxed to equip the victims of treason. Is this to be borne? is it lawful?

I take the liberty of sending you a few copies (7) of the Raleigh Sentinel, the leading organ of the defunct but still Kicking chivalry. From it you will be able to judge of the amount of contrition felt by the pardon-seekers of the South. Is it not Surprising that president Johnson will persist in maintaining the loyalty of a people who thus glorify themselves for a celdamatizing their country? It might not be politic for me, being appointed here as P. M. by the president, that I should come out publicly either to applaud your course or condemn his, and of course you will use the proper discretion. So Hoping— nay praying that God and your Country may sustain you in your noble efforts

I am

My dear Hon. Sir

Your admiring servt

John Robinson P. M.

P. S. May I hope to hear from you?

J. R.

Hendersonville N. C

Jany the 4<sup>th</sup> 1867

Hon Thaddeus Stevens

Washington D C.

Dear Sir.

Allow me to congratulate you in reference to your late proposition for the reconstruction of the late insurrectionary States.<sup>58</sup> This proposition is much more preferable than the one introduced at

<sup>57</sup> The Northern copperhead editors backed the Democrats and George B. McClellan in the campaign of 1864. Such men as Samuel S. Cox and C. L. Vallandigham boldly attacked the government officials in certain sections of the North. Burnside went so far as to suppress the *Chicago Times* on account of its outspoken attitude in favor of copperheadism. With the success of the Northern army in the Virginia area and about Atlanta, Lincoln defeated McClellan by a vote of 212 to 21 in the electoral college and a popular vote of 2,213,665 to 1,802,237. James K. Hosmer, *Outcome of the Civil War*, pp. 3-7; Edward Stanwood, (revised by Charles Knowles Bolton), *A History of the Presidency*, p. 307.

<sup>58</sup> Thaddeus Stevens helped push through the Civil Rights bill and the Freedmen's Bureau bill over the veto of the President which proved that Johnson no longer could control Congress. The Reconstruction Committee reported a bill that when the fourteenth amendment should become part of the Constitution, any state lately in insurrection, which had ratified it and adopted a constitution and laws in conformity with its terms, should be entitled to representation in Congress. This did not go as far as Stevens desired, and on the last day of the session he sought to amend it so as to require full Negro suffrage. On February 6, 1867, he introduced a bill which after some changes, became the first Reconstruction bill, and provided the basis of Negro suffrage. The radicals later said that if the Southern states had accepted the fourteenth amendment and the terms of the bill relative to it, although it never passed, they could have gotten back in the Union without being thrown under military rule. *Dictionary of American Biography*, XVII, 620-25.



the instance of Mess Holden Pool and Taylor<sup>59</sup> from the fact that it allows the freedmen to vote without qualification, and because it disqualifies all who held office civil or military under the Confederate authorities.

I assure you that the true Unionists in this mountain Section was not Satisfied with the bill proposed at the instance of Mess Holden & others.

I do hope that nothing short of your bill which has just reached me through the "N. Y." *Tribune* will be accepted by Congress. I mean your modified bill from last Session. This proposition will set the State on its legs just right. It cuts off the proper ones and lets in the right element.

I have forwarded to Congress over forty feet of petitioners for a new State, or the reorganization of the Whole State. These petitions continue to come in, but since the loyal portion of the people find that Congress is taking Steps to reorganise the Whole State they do not care so much about the new.

I know the sentiments of the true Unionists of this Mountain Section and I do hope and pray that Congress will not accept any thing short of your bill. Hoping that you will urge it to its final passage, I subscribe myself yours with great respect

A H Jones<sup>60</sup>

M C from 7<sup>th</sup> Dis of N. C

P. S. I think there should be a severe penalty fixed in the bill for false Swearing. If there is not the rebels will reap the benefits of office by taking the oath.

A. H. J

High Point, N. C. March 11<sup>th</sup>./67.

Hon. Thadius Stephens

Honored Sir

I drop you a line to ask you to get me the office of assistant U. S. district attorney for the 5<sup>th</sup>. Congressional Dist. . of N. C. Carrying out the Bankrupt Bill. upon the following reasons. I am a poor young man. Thirty-three years of age, Moral and religious, and a Lawyer by Profession admitted in 1857. never taken the Confederate oath for any-thing, never in the army, and can take the test oath if required. and am an unconditional Union man, I approve your plan of reconstruc-

<sup>59</sup> He must refer to Nelson Taylor of New York, who was born June 8, 1821, and died January 16, 1894. He served in the Mexican War; was a colonel in the Civil War and was promoted to rank of brigadier-general; and served in Congress, December 4, 1865, to March 3, 1867. He was a member of the committee on freedmen and invalid pensions. Appleton, *Cyclopaedia of American Biography*, VI, 48.

<sup>60</sup> Alexander Hamilton Jones was born in Buncombe County, North Carolina, July 21, 1822. He engaged in mercantile business; entered the Union army in 1863, but was soon captured in East Tennessee where he was raising a regiment of troops; and was incarcerated in four different prisons. He was conscripted, but escaped, November 14, 1864, and joined the Union forces at Cumberland, Maryland. He was in the state convention of 1865 and was elected to the 39th Congress, but along with the other Congressmen from the South he was not allowed to qualify, although he was a Republican. He served in Congress from July 6, 1868, to March 3, 1871; was defeated in 1870 election; and dropped out of politics. He lived in Washington until 1867; in Maryland until 1884; in Asheville until 1890; in Oklahoma until 1897; and in California until he died, January 29, 1901. He was one of the leaders in Congress to divide North Carolina, and was accused of offering to sell a cadetship to George W. Swepson for \$1,000, but was exonerated. *Biographical Directory of Congress*, p. 1159; Hamilton, *Reconstruction*, pp. 140, 375, 451, 491.



tion in full.<sup>61</sup> Further I never held Civil or Military office in Under the Confederate or state, never sought for one. but I have been kept out of office by the rebels. since the surrender.

I do not wish to flatter, I cannot flatter you, if I was disposed, but I know yours is the only plan that will give peace and quietude to the country, and put the South under loyal rule. I would come & see you but my means are too meagre. to admit of it. so if you please recommend me to the chief Justice<sup>62</sup> of the U-S for said office for the reasons above, given.

I can give references, if necessary. I never owned an negro, and I spent all my means to keep out of the rebel army. Write to me immediately and I will do as you say. I shall never forget you.

Respectfully,

Jacob - T. Brown.<sup>63</sup>

Battleboro N. C. 13 March 67

Hon<sup>r</sup>. Thad. Stevens

Dear Sir.

As you seem to be a friend to all honest men, and a Supporter of humanity, I would like to Call your attention to a Subject of Very great concern to the people of the South. There is here a vast amount of individual indebtedness- created and in existence previous to Lee's Surrender. The means left with which to liquedate this indebtedness bears but a small proportion to the amount available at the time of their creation Creditors are Clamarous for the last dollar and last pound of flesh, Debtors think it is not just to make an insurance Company of them, against unexpected and great national Calamities- That many of those debts are due for Confederate notes, for Corn at 100\$ pr bl, for Bank bills & C & C, and that justice demands that these claims together with those existing before the war should be reduced

<sup>61</sup> Reconstruction would soon have been completed after Congress met, December, 1865, according to the plans of Lincoln and Johnson, but the radicals determined to undo all that had been done and to substitute Congressional for Presidential Reconstruction. Stevens introduced a bill to this effect in the first session of Congress which met in 1865, but it was not pushed. On January 3, 1867, after he thought the time was ripe for his plan, he called his bill up and had it referred to the Joint Reconstruction Committee. After being amended it became the first Reconstruction act, which was passed over the veto of Johnson, March 2, 1867. It abolished the governments in the Southern states; established military governments instead, with an army officer above the rank of brigadier-general in command of each of the five military districts; and provided that these officers could remove civil officials and set up military tribunals, and that the only way of escape for all the seceding states except Tennessee, which had accepted the fourteenth amendment, was to accept the terms laid down by Congress. These were: let Negroes and whites, except those of the latter who were disfranchised, vote on calling a convention; select delegates to a convention; make a constitution providing for Negro suffrage, repudiate the war debt and declare secession null and void; have the constitution approved by the electorate who had voted for the convention; have the constitution accepted by Congress; have the first legislature which convened in the state accept the fourteenth amendment; and then after this amendment had become part of the Constitution of the United States the Senators and Representatives from the Southern states would be seated and military government would end. Basset, *Short History*, pp. 609-10.

<sup>62</sup> Salmon Portland Chase (January 13, 1808-May 7, 1873) was Secretary of the Treasury under Lincoln until the death of Chief Justice Taney, October 12, 1864, when Lincoln appointed Chase to the chief justiceship. *Dictionary of American Biography*, IV, 27-34.

<sup>63</sup> After reporting the facts of the previous summer, December 14, 1870, the judiciary committee of the North Carolina house of representatives offered the resolution, which was adopted by a vote of 60 to 43, to impeach Governor Holden. Of the nine senators who voted against impeachment, Jacob T. Brown of Davidson County was one. The vote in the house is sometimes given as 60 to 46. *The Daily Standard*, December 14, 1870; Hamilton, *Reconstruction*, p. 541.



to a paralel with the means left in *the Country* Generally they think about one half of these amounts existing before the war should be paid- and nothing for Claims Created during the war. It is unnecessary to extend remarks on the Subject- as you will Comprehend the whole matter at once when you devote to it a *Consideration* Reasonable relief from any action of Congress would be hailed as a God Send, by a majority of our people.<sup>64</sup> The Bankrupt law<sup>65</sup> is a relief to Some extent- But this requires a full Surrender of all to pay the debts- which debtors think should be scaled to a minimum below what they Call for. This letter is a private one and the writer would be obliged if you have the time for your private views on the Subject; If upon reflection you think the Subject worthy of Congressional action. It will be for you to inaugurate a measure calculated to secure an invaluable blessing to our people- and their lasting gratitude The Suits, in our Courts are more numerous than ever before, The Costs alone are likely to amount to a Sum greater than all our taxes Combined. The lawyers and creditors like ravenous wolves- pressing poor debtors to the wall- declaring that it is unconstitutional to do anything for their relief- Hoping to hear Soon from you I am Sir

Very respectfully

W. D. Harrison

P. S. Would like to get your assistance in establishing a Post Office in this place- to be called Valleycot- We have a hundred petitioners-

Morven Anson County N. C. Feby 15<sup>th</sup> 1868

Hon Thaddeus Stevens

Sir, Although I am only acquanited with you from reputation yet I take the liberty of writing to you and trust that my letter will not pass unnoticed by you and also that you will extend me that aid (if in your power) which my Straiteden circumstances requires.

I am a practicing physician and before the war was doing well but when the Union Army passed through this part of the country they burnt every thing that I possessed they never left me a vestige but ashes. My house a good Stock of Medicines a fine library my notes & accounts and all the Surgical instruments that a country practitioner usually keeps were destroyed together.

I was in an adjoining county visiting the sick child of a sister when the army passed through & returned to find myself reduced to absolute penury and had it not been for the kindness of Some friends who were not so entirely Stripped of the necessaries of life my family would certainly have Suffered. I then had to purchase such medicines provisions &c as were necessary to carry on my practice on credit and have never yet been enabled to pay my indebtedness.

<sup>64</sup> See page 183, note 36.

<sup>65</sup> The first federal bankruptcy law was in operation from 1800 to 1803; the second from 1841 to 1843; the third, called the Lowell Act, March 2, 1867, to 1878; and the fourth was passed on July 1, 1898, but it has been amended several times and many attempts have been made to repeal it. *Jameson, Dictionary*, pp. 39-40.



I have never yet refused to visit any one white or black poor or rich and the last year being unusually Sickly in this part of the country I did a great deal of practice and as there was Scarcely a Support made by the farmers they are unable to pay their accounts and the colored people will not be able to do so in several years if ever Many of them are old and decrepit Some are widows with Several children and have to depend on the charitable for a support. I have been for several months attending a poor widowed colored woman whose foot will certainly have to be amputated She is living with her former owner who supports her and her five children gartuitously and I do not expect to get a cent for my Services unless I receive it from the benevolent. She is one instance. There are many within the range of my practice equally as poor who have had my Services for the last three years and will require them again.

Now I have no other way of Supporting my family but by my practice and if I do not receive extrinsic aid I shall certainly have to relinquish the practice or practice only for those whom I know to be perfectly responsible and punctual and although this is a disagreeable step I fear necessity will compel me to take it.

I have written to you Sir because I am more familiar with your name (having seen it often in the papers) than any of the other Congressmen and you are I suppose the leader of the great party in whose hands the destinies of the United States are now placed.

I know nothing of your private character nor whether you are wealthy or poor but trust that you are a man of benevolent feelings and if you are not able to help me you will use your influence with some one who is.

I will say in conclusion that I was opposed to the war and never participated in it, that I never owned slaves and that I was not opposed to their emancipation that I educated myself by my own individual efforts. I hope to hear from you soon Direct to Morven Anson County No. Car. and oblige

Very respectfully Your &c

John C. Smith

[*To be continued*]



# NORTH CAROLINA BIBLIOGRAPHY, 1939-1940<sup>1</sup>

By MARY LINDSAY THORNTON

## *Bibliography and Libraries*

BOGGS, RALPH STEELE. Bibliography of Latin American folklore. New York, The H. W. Wilson company, 1940. x, 109 p. (Inter-American bibliographical and library association. Publications. ser. 1, v. 5.) \$1.50.

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DUKE UNIVERSITY, LIBRARY. A guide to the manuscript collections in the Duke university library, Durham, N. C., prepared by the Historical records survey, Works progress administration. Raleigh, N. C., Historical records survey project, 1939. v, 165 numb. 1. Mimeographed. Apply.

HISTORICAL RECORDS SURVEY. NORTH CAROLINA. Inventory of the church archives of North Carolina, prepared by the North Carolina historical records survey project, Division of professional and service projects, Works projects administration. . . . Raleigh, N. C., The North Carolina Historical records survey project, 1940—Mimeographed. To be issued serially. Apply.

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<sup>1</sup> Books dealing with North Carolina or by North Carolinians published during the year ending August 31, 1940. A few of earlier date, omitted from previous bibliographies, are included.



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<sup>2</sup> Mayflower Cup award, 1940.



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MELTON, ANSON GUSTAVUS. Where is love? And other poems. Boiling Springs, N. C. Author, 1938. 100 p. Apply.

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HARRIS, MRS. BERNICE (KELLY). Folk plays of eastern Carolina. . . . edited with an introduction by Frederick H. Koch . . . illustrated with photographs by Charles Farrell. Chapel Hill, The University of North Carolina press, [c. 1940.] xix, 294 p. illus. \$2.50.

### *Fiction<sup>3</sup>*

ALLEE, MRS. MARJORIE (HILL). Runaway Linda. Boston, Houghton Mifflin company, 1939. x, 220 p. Juvenile. \$2.00.

BURT, MRS. KATHERINE (NEWLIN). If love I must. Philadelphia, MacRae Smith company, 1939. 279 p. \$2.00.

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<sup>3</sup> By North Carolinians or with the scene laid in the State.



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<sup>4</sup> Winner of the \$1,500 centennial prize offered by Duke University.



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- SHANDS, ALFRED RIVES. Handbook of orthopaedic surgery by Alfred Rives Shands and Richard Beverly Raney. 2nd ed. St. Louis, Mo., The C. V. Mosby company, 1940. 567 p. \$4.25.
- STOCKARD, HENRY JEROME. Poems; decorations by Mabel Pugh. Raleigh, [N. C.], Bynum printing company, [c. 1939.] 94 p. illus. \$1.50.
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- WOLFE, THOMAS. Of time and the river; a legend of man's hunger in his youth. New York, Grosset and Dunlap, 1939. 912 p. \$1.29.



## BOOK REVIEWS

COLONEL JAMES NEILSON: A BUSINESS MAN OF THE EARLY MACHINE AGE IN NEW JERSEY, 1784-1862. By Robert T. Thompson. (New Brunswick: Rutgers University Press. 1940. Pp. xiii, 359. \$3.75.)

Although this volume is primarily concerned with the life of James Neilson, it is also to some extent an account of the development of New Brunswick, New Jersey, during the first half of the nineteenth century. By 1800 New Brunswick had already begun its career as a commercial, industrial, and educational center and these interests were to grow with the succeeding decades. New Brunswick's location near the mouth of the Raritan made it a natural entrepot for New Jersey's trade with New York City, and also the natural eastern end of any canal which might cut across the State. Fortunately, New Brunswick had more than geography in its favor; it also had aggressive and public-spirited business men. Of these James Neilson was the most important. During his active career of almost half a century Neilson was a merchant, banker, slave owner, and farmer; he was a promoter of turnpike, canal, and railroad transportation. He was also a pioneer manufacturer as well as a land owner in New Jersey, New York, Texas, and Mississippi. In brief, his activities and interests, as Professor Thompson says, "formed an interesting microcosm of the history of the nation as well as of his own community during the half century before 1860."

New Brunswick, however, was by no means a large or very important town (its population was but 11,000 by 1860), nor was Neilson one of the nation's great or famous entrepreneurs. Except for the fact that he was a generous friend of Rutgers and a member of its board of trustees for forty-nine years, the question naturally arises as to why even a professor at Rutgers should spend years in research on Neilson and the university publish this beautifully printed biography. Presumably there are two answers. In the first place, the first half of the nineteenth century was not distinctively an era of great entrepreneurs and business men with large aggregations of capital at their disposal. Relatively it was an age of small things, a period in which the typical entrepreneur was a man like Neilson, comfortably well off, but by no means rich. In the second place it is rare



to find a set of family papers as extensive as that of the Neilson family (deposited in the Rutgers University Library) containing as they do some 30,000 pieces of manuscript and covering the period 1757 to 1937, two-thirds of which are pertinent to the life of James Neilson. The point should also be made that Neilson's widespread activities were typical of the small capitalist of his day. Few early-nineteenth-century capitalists were specialists; opportunities were too varied and widespread. There were few who at some time or other did not participate in the foremost of all American economic enterprises—land speculation. There were few, likewise, who did not participate in the early development of manufacturing and in the rapidly expanding transportation facilities.

Neilson was undoubtedly a man of his age. His real estate speculations, it is true, were mainly concerned with the liquidation and salvaging of land which came to him from his three wives, and which extended from central New York to Texas and which consumed a considerable portion of his time. Like many another capitalist and entrepreneur of this period, Neilson began as a merchant and then expanded to the rôle of promoter of industrial and transportation enterprises. Although he was a leading promoter of industrial activity in New Brunswick, and was himself the chief owner of the first textile mill there, his most important contribution was in the development of New Jersey transportation. For ten years he gave a large share of his time to promoting a canal from the Delaware to the Raritan and he proved to be one of the most successful lobbyists of his day. Later, as treasurer for twenty years of the Delaware and Raritan Canal and its affiliated railroads, he took part in developing one of the first holding companies of importance in the United States.

In one field of activity Neilson did not run true to his economic class. During the Jeffersonian period he allied himself with the Democratic-Republicans and he stayed with the Democratic party until the end, and this, despite the fact that he was attacked by anti-renters in New York and anti-monopolists in New Jersey. Neilson may not have been a great man, but he was an able man typical of the small capitalist and entrepreneur of his day. He represents thousands of others of his type and his life is worth recording. It is doubtful whether a thousand similar biographies would



essentially change what appears to be the prevailing pattern. Although this biography gives a much better picture of Neilson's business activities than of his personality, the former is the most important and the work has been well done.

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JOHN AND WILLIAM BARTRAM: BOTANISTS AND EXPLORERS, 1699-1777, 1739-1823,  
By Ernest Earnest. Philadelphia: University of Pennsylvania Press. 1940.  
Pp. 187, \$2.00.)

The Bartrams, father and son, were two of the most eminent botanists in early America. John was among the first to make a systematic study of the flora and other naturalistic elements in this country and he achieved such distinction in his day that Linneaus called him "the greatest natural botanist in the world." He was one of the founders of the American Philosophical Society, a member of the Royal Academy of Sciences at Stockholm, and "botanist to the King for the American colonies." He was a close friend of Franklin and other prominent scientists and he was one of those outstanding Pennsylvanians who helped to make Philadelphia the scientific capital of eighteenth-century America. William Bartram was interested in botany and also in ornithology. He was more of a poet than a scientist, but his *Travels* holds a prominent place in the history of taxonomy in America. This scientific work, couched in pseudo-classic style and filled with doctrines of man and nature, made a great impression on the literary world. Coleridge and Wordsworth both used it for source material, passages from "Kubla Khan" and "Ruth" being directly attributable to it. The "caverns measureless to man," and the thunderstorm in the "Ancient Mariner" supposedly come from the writings of William Bartram.

These two modest but talented and versatile Quakers lived in Philadelphia, but they travelled extensively throughout eastern America. John Bartram wrote two books of travel as well as hundreds of letters to prominent scientists and political leaders in Europe and America. Mr. Earnest has made good use of these sources in the preparation of his very interesting volume. Most of his study is devoted to John Bartram, "because of his pioneer work, his greater



originality, and the lack of any complete study of his life and work." The reviewer regrets that the author did not present a much fuller account of these two great scientific figures. The average political biography runs to four or five hundred pages, and one suspects that the Bartrams were more important than many of the politicians who have had much lengthier biographies.

John Bartram was a self-taught farmer and he remained a farmer throughout his life. At an early date he began to collect and classify plants. He established a botanical garden which, while not the first in America as most writers maintain, became the most famous. This garden, which is still preserved, contained nearly all species of American plants as well as hundreds of exotic European plants. Bartram also sent hundreds of American plants to Europe. The famous gardens at Chelsea and Kew owe much to his efforts. But Bartram was more than a mere plant collector. He investigated and wrote about many botanical questions. He believed that plants as well as animals reproduce sexually. He was one of the first plant hybridizers. He made great use of plants in the preparation of his "herb medicines," and he taught himself enough about medicine to be able to treat poor neighbors who could not afford to have a doctor. He maintained that plants, animals, and man all operated on similar principles and that Providence provided that a balance be maintained between animal and vegetable life. He had a strong anti-clerical bent and denounced preachers as "mystery mongers," to be classed with the medicine men of the Indians. The Quaker Church finally disowned him because of his "dark notions." He once said, "it is through the telescope I see God in his glory."

William Bartram's *Travels* is a source book on the American Indian. It is filled with the fashionable European idea of the "noble savage" and the philosophy of nature. William's attitude toward the Indian is in striking contrast to that of his father, who believed that the only hope for permanent peace with the natives was "to bang them stoutly." Compared with most of the scientific writing of the time, Bartram's *Travels* is "like a spring wind after a long winter." North Carolina readers of Mr. Earnest's volume will be disappointed with the scanty references to William Bartram's stay on the Cape Fear. Apparently he lived in North Caro-



lina for about two years, but very little is said about this part of his life.

Only a few minor errors have been noted. The word "State" is used instead of "colony" or "province" on several occasions. One would also question the statement (p. 47) that Colden was the first Surveyor General of the Colonies.

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FAITH OF OUR FATHERS: A BOOK OF SKETCHES OF OLD NORTH CAROLINA CHURCHES.  
By Hazel Sellers. (Privately printed. 1940.)

This is a book of 102 pages, with 25 drawings of old churches in North Carolina, and for each a page of what purports to be historical material. There is no imprint to show date or place of publication or printer's name, though there is notice that copyright was applied for in 1940. The foreword is signed by Hazel Sellers; the drawings are signed *Hazel* and the text is ascribed to Marion Brown.

At first glance the book is attractive, but on closer inspection the drawings leave much to be desired, and the text contains so many errors that it is worse than useless. The writer apparently has but a hazy knowledge of history, and lacks a feeling for historical perspective. For instance, in these pages "the Spanish-American War was eminent" in 1740; a church building is transferred bodily from one town to another; Constance, Switzerland, is located in Moravia; "moss grown cedars" which were taken down two decades ago still "stand sentinel" in their old ranks; a Federal hospital becomes Confederate; and Stonewall Jackson is a president of the United States!

As outlined in the foreword, the intention of the artist was praise-worthy, but the book has no place on the shelves of those who desire accuracy.

ADELAIDE L. FRIES.

WINSTON-SALEM, N. C.



## HISTORICAL NEWS

Among the participants in the program of the session of the American Historical Association in New York, December 27-30, 1940, were Dr. George Mowry, Dr. A. R. Newsome, and Dr. Mitchell B. Garrett of the University of North Carolina at Chapel Hill; Dr. Alex M. Arnett of the Woman's College of the University of North Carolina; and Dr. Dorothy MacKay Quynn, Dr. John T. Lanning, Dr. William B. Hamilton, and Dr. Paul H. Clyde of Duke University.

At a joint session with the American Historical Association in New York, December 27, the Conference of State and Local Historical Societies transformed itself into the American Association for State and Local History. Dr. C. C. Crittenden of the North Carolina Historical Commission was elected president; Dr. Edward P. Alexander of the New York State Historical Association, vice president; and Miss Dorothy C. Barck, of the New York Historical Society, acting secretary-treasurer. Members of the council, in addition to the officers listed above, are Dr. George W. Brown, Mr. Sargent B. Child, Dr. Herbert A. Kellar, Mr. Ronald F. Lee, Dr. Harlow Lindley, Dr. James W. Moffitt, Dr. Roy F. Nichols, Dr. Jean Stephenson, and Dr. S. K. Stevens. The immediate program of the Association calls for the publication of a new edition of *Historical Societies in the United States and Canada: A Handbook*; a news letter; and a number of bulletins on how to plan a local historical society's program of activity, how to restore and care for historic sites, how to produce historical plays and pageants, and other similar topics. According to the constitution, the secretary "shall assemble, arrange, tabulate, and make available to the public information concerning activities in the fields of state, provincial, and local history in the United States and Canada, and shall undertake in every way possible to make his office the clearing house for all matters relating to such activities." The first annual meeting will be held at Hartford, Connecticut, on October 8, the day following the annual meeting of the Society of American Archivists at the same place, and joint meetings with the American Association of Museums at Columbus in May,



and with the American Historical Association at Chicago in December are being arranged. Both individuals and institutions are eligible to membership. The address of the acting secretary-treasurer is 170 Central Park West, New York City.

Books received include: Joseph Clarke Robert, *The Road from Monticello: a Study of the Virginia Slavery Debate of 1832. Historical Papers of the Trinity College Historical Society*. Series XXIV (Durham: Duke University Press. 1941); Philip Davidson, *Propaganda and the American Revolution* (Chapel Hill: The University of North Carolina Press. 1941); Josephus Daniels, *Editor in Politics* (Chapel Hill: The University of North Carolina Press. 1941); Dumas Malone, *Edwin A. Alderman: A Biography* (New York: Doubleday, Doran, and Company. 1940); Thomas P. Abernethy, *Three Virginia Frontiers* (University, La.: Louisiana State University Press. 1940); Gertrude S. Carraway, *Crown of Life: History of Christ Church, New Bern, N. C., 1715-1940* (New Bern: Owen G. Dunn. 1940); John Shipley Tilley, *Lincoln Takes Command* (Chapel Hill: The University of North Carolina Press. 1941); and Kathryn Trimmer Abbey, *Florida: Land of Change* (Chapel Hill: The University of North Carolina Press. 1941).

Visiting members of the Duke University department of history during the summer session will be Dr. O. H. Wedel of the University of Arizona, Dr. D. B. Durand of Harvard University, Dr. Paul W. Gates of Cornell University, Dr. Richard H. Shryock of the University of Pennsylvania, Dr. Fletcher M. Green of the University of North Carolina, Dr. Mack Swearingen of the Woman's College of the University of Georgia, Dr. J. J. Mathews of the University of Mississippi, Dr. John K. Bettersworth of Mississippi State College, and Dr. C. S. Davis of Alabama Polytechnic Institute.

Dr. Paul H. Clyde of Duke University will teach at the University of West Virginia during the second summer session.

Dr. Benjamin B. Kendrick of the Woman's College of the University of North Carolina has been elected to the



council and appointed to the executive committee of the American Historical Association.

Dr. Howard K. Beale of the University of North Carolina will offer courses in the history of Reconstruction at the summer session of The Johns Hopkins University. In February his book, *A History of Freedom in Teaching in American Schools* (New York: Charles Scribner's Sons), was published as volume XVI of the Report of American Historical Association's Commission on Social Studies in the Schools.

Dr. George E. Mowry of the University of North Carolina will be a member of the summer faculty of the University of Wisconsin.

Dr. Robert Ernst of the University of North Carolina has published "The Asylum of the Oppressed," *The South Atlantic Quarterly*, January, 1941.

During the winter quarter Dr. A. R. Newsome of the University of North Carolina taught a graduate course in United States history at the North Carolina College for Negroes in Durham.

Dr. Hugh T. Lefler will teach in the summer school of the University of Pennsylvania.

Dr. J. C. Russell of the University of North Carolina will give courses in the summer school of the University of New Mexico. He has recently published the following articles: "The Ecclesiastical Age: A Demographic Interpretation of the Period, 200-900 A. D.," *Review of Religion*, V, 137-147 (January, 1941); "Medieval Demography," *The Cultural Approach to History* (New York, 1940), pp. 291-293; and "Attestation of Charters in the Reign of John," *Speculum*, XV, 480-498 (October, 1940).



## CONTRIBUTORS TO THIS ISSUE

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# THE NORTH CAROLINA HISTORICAL REVIEW

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## DEBTOR RELIEF IN NORTH CAROLINA DURING RECONSTRUCTION

By KENNETH EDSON ST. CLAIR

It would be a work of supererogation to describe social and economic conditions in North Carolina at the conclusion of the Civil War: the effect of the ravages of war upon every Southern state is well known. Likewise, the huge economic losses and the social problem resulting from emancipation without compensation need no further emphasis in studies of Reconstruction. There is room, however, for considerable study of certain economic and social problems which have hitherto escaped close attention; of these a most important one was the matter of debtor relief. A society prostrated economically by war and its aftermath sought desperately to secure to its debt-ridden citizenry the means of earning a living and time within which to pay their obligations; it sought to provide economic security to those who, under pre-war laws, would have found themselves in a debtors' prison, but who were now regarded as honest, if insolvent men, suffering as a result of conditions over which they had no control. Clearly, the Civil War and Reconstruction altered tremendously the economic and social outlook of society.

One of the first solutions proposed to cure the post-war economic ills of North Carolina was the passage of laws staying execution of judgments and institution of suits for debts contracted during the war. That this idea was not a new one in 1865 is indicated by the fact that a "stay law," by virtue of which defendants in actions of debt could not be compelled to plead for twelve months after institution of such actions, was passed as early as 1861.<sup>1</sup> This stay was

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<sup>1</sup> *Laws of North Carolina, 1861-1862*, Ch. 4:5. Act of September 11, 1861.



insufficient to meet the needs of the public after the conclusion of the war, however, and as a result new "stay laws," progressively extending the stay of actions on debts contracted prior to May 1, 1865, were enacted from 1866 to 1868.

On March 10, 1866, the General Assembly of North Carolina, under cover of the legal fiction that it intended merely to alter the jurisdiction and practice of the superior courts of the State, enacted a law staying all court action in cases of debt, covenant, assumpsit, or account relating to contracts entered into prior to May 1, 1865, until the fall term, 1866, of superior courts. In addition, this law virtually delayed most cases of ordinary debt until the spring of 1867.<sup>2</sup> The act, however, proved but a stop-gap, to be replaced by a convention ordinance of June 3, 1866, which was wider and more definitive in scope.

This ordinance, again using the legal fiction of intent merely to alter court jurisdiction and practice, stayed all debt actions until the spring of 1867. Moreover, it declared that dormant actions might be revived only through common law remedy; every *scire facias* to revive a dormant judgment was to be dismissed on motion, at the cost of the debtor. It granted exclusive jurisdiction over actions of debt, covenant, assumpsit, and account involving sums of sixty dollars or more to the superior courts; justices of the peace might handle similar actions involving smaller sums. Finally, the ordinance provided a complicated scheme which virtually enabled persons owing debts of sixty dollars and over to pay their obligations on a staggered four-year installment plan. Smaller debtors might pay on a year-and-a-half or three-year plan. Relief for fraud might, of course, be had in equity, and the ordinance applied only to debts incurred before May 1, 1865.<sup>3</sup>

Far-reaching in their scope as were these laws, they were mild in comparison with some of the proposals of the time.

<sup>2</sup> *Laws of North Carolina*, 1866, Ch. 16; 22-23.

<sup>3</sup> *Ordinances of 1865-1866*, Ch. 19; 31-37. The "installment scheme" is most interesting. In cases of debt involving sums of sixty dollars or over, if a defendant paid one-tenth of the sum (including principal, interest, and costs) within the first three days of the return term, he was allowed a year to plead; if, at the conclusion of the year, he paid one-fifth of the remainder due, he was allowed another year to plead; if, at the conclusion of that year, he paid one-half of the residue, he was entitled to still another year, after which the plaintiff might have full judgment. In cases wherein judgments had already been rendered, no writs of *fi. fa.* or *ven. ex.* were to be issued at spring term, 1867, without the permission of the court. In such cases, if the defendant paid one-tenth of the judgment within the first three days of the term, he was "indulged" a year, and so on as above. In cases of debt before justices of the peace in which the sums involved were twenty-five to sixty dollars, if the defendant paid one-fifth of the debt, he was allowed twelve months to plead; if, at the conclusion of that period, he paid one-half of the residue, he was entitled to another year, at the conclusion of which the plaintiff was entitled to judgment. In cases of debt covering sums of twenty-five dollars or less, if the defendant paid one-fifth of the sum, he was permitted six months to plead; another six months if he then paid one-half, after which the plaintiff was entitled to judgment.



Thus, a bill to deprive creditors of *all* remedy was introduced into the House of Commons in January, 1866, and so great was the general interest of people in the subject of debts incurred during the war that the judiciary committee of the House felt it advisable to submit a long report pointing out the danger of such a move. The committee showed that it was plainly unconstitutional, as it impaired the obligation of contract, and that it would be disastrous to the best interests of the State, for such "repudiation" would strike a death blow to the financial credit of the State. That the committee should feel impelled, in view of the general interest upon the subject, to make such a statement is most significant.<sup>4</sup>

On February 12, 1867, the General Assembly granted debtors yet another year of grace and provided a four-year installment plan for payment of all war debts.<sup>5</sup> Still another act deferred executions on judgments rendered in actions on ordinary debt contracted prior to May 1, 1865, until the spring terms, 1868.<sup>6</sup> Finally, the convention of 1868 passed an ordinance suspending proceedings upon similar debts until the constitution of 1868 should go into effect.<sup>7</sup>

Such were the laws enacted by the legislative department of the State from 1866 to 1868—laws which progressively extended the time for payment of war-time debts and which established an installment method for liquidation of such debts. These acts were enforced in the courts of the State and the legal fiction of legislative intent and power to regulate the jurisdiction and practice of state courts was upheld by the State Supreme Court.<sup>8</sup> Apparently a successful method for debtor relief had been devised.

Meanwhile, on April 11, 1867, General Sickles, then in command of the Second Military District under the Reconstruction Acts, issued an order notorious in the history of North Carolina—General Order No. 10. After reciting the general destitution, accentuated by the failure of crops, among the population of the Second Military District and

<sup>4</sup> Legislative Papers, 1866-1867, box 816 (archives of the North Carolina Historical Commission, Raleigh).

<sup>5</sup> *Laws of North Carolina*, 1866-1867, Ch. 37: 23-26. Act of February 12, 1867. The jurisdiction of justices of the peace was extended to cover sums amounting to one hundred dollars principal upon bonds, bills, promissory notes, or accounts; however, justices could handle accounts up to sixty dollars value only wherein the debt in question concerned accounts for goods, merchandise, work or labor done, or specified articles.

<sup>6</sup> *Laws of North Carolina*, 1866-1867, Ch. 58: 78. Act of March 4, 1867.

<sup>7</sup> J. G. de Roulhac Hamilton, *Reconstruction in North Carolina* (Columbia University *Studies in History, Economics, and Public Law*, LVIII, No. 141), pp. 262-263.

<sup>8</sup> *Crawford v. Bank of Wilmington*, 61 N. C., 136-140; *Parker v. Shannonhouse*, 61 N. C., 209-210; *Israel v. Ivey*, 61 N. C., 551; *McCubbins v. Barringer*, 61 N. C., 555-556; *Madre v. Felton*, 61 N. C., 281.



declaring that it was the disposition of creditors to enforce the immediate collection of all claims, this order stated:

To suffer all this to go on without restraint or remedy is to sacrifice the general good. The rights of creditors shall be respected; but the appeal of want and suffering must be heeded. Moved by these considerations, the following regulations are announced: They will continue in force, with such modifications as the occasion may require, until the civil government of the respective States shall be established, in accordance with the requirements of the Government of the United States.

Accordingly it provided that judgments or decrees, for the payment of money on causes of action arising between December 19, 1860, and May 15, 1865, could not be enforced; proceedings in such causes then pending were stayed; and no suits for such causes could thereafter be instituted. It stayed for twelve calendar months the sale of all property, following execution or process upon liabilities contracted prior to December 19, 1860, except in cases in which defendants intended to remove their property fraudulently beyond the territorial jurisdiction of the courts. Likewise it suspended the sale of real and personal property by foreclosure of mortgage, except where payment of interest accrued since May 15, 1865, had not been made. It also ordered suspended all state laws or ordinances inconsistent with its provisions. The order did not, however, affect causes of action arising after May 15, 1865; in such cases, the courts were free to apply the regular procedure under state laws.<sup>9</sup>

General Sickles's order immediately raised the issue of civil or military control, an issue which soon obscured the fact that both the civil law and the military decree effected virtually the same ends. Questions were asked: what effect would this order have upon North Carolina laws and their administration; and who would interpret the decree? General Order No. 10 had been issued primarily to meet the needs of South Carolina; North Carolina had seceded May 20, 1861—not December 19, 1860.<sup>10</sup> Lawyers who were at a loss to understand the meaning of "causes of action" arising between December 19, 1860, and May 15, 1865, requested

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<sup>9</sup> G. O. No. 10, *General Orders, Second Military District*, 1867. (The writer, in citing General Orders, has used the printed records of General Orders preserved in the National Archives, Washington, D. C.)

<sup>10</sup> Francis B. Simkins and Robert H. Woody, *South Carolina during Reconstruction*, pp. 46-47.



detailed interpretation of the order from General Sickles.<sup>11</sup> They received a disconcerting reply: "the provisions of this order will be interpreted and enforced by the courts."<sup>12</sup> Thus the task of interpreting a military decree was thrust upon the civil courts by the very officer who issued it, since General Sickles believed that his military orders had the effect of ordinary legislation. While refusing to give any interpretations to the lawyers, however, General Sickles announced his readiness to answer questions concerning military orders emanating from appellate courts of law and equity.<sup>13</sup> Thus the military commander became a *quasi* supreme civil-military tribunal for the State.

The State Supreme Court at once took the position that General Order No. 10 did not invalidate state laws but that it had the legal effect of an injunction. Associate Justice Reade stated this opinion clearly in the case of *Broughton v. Haywood* at June term, 1867:

We do not consider that order as forbidding the several courts in the State from proceeding with the trial of cases at law or the hearing of cases in equity and rendering judgments and decrees thereon; but that it forbids the execution to issue—in analogy to injunction cases when the court proceeds to judgment and the execution is enjoined.<sup>14</sup>

This opinion, however, was couched in restrained language; it did not express the fundamental attitude of the court. After military rule in North Carolina had ceased, Associate

<sup>11</sup> Governors' Papers of North Carolina, Worth, Worth to Canby, April 22, 1867. (In citing references drawn from these papers which are preserved in the archives of the North Carolina Historical Commission, the name of the governor in whose papers the source was found will be given together with the communication and the date.) In this communication were the following questions propounded by R. C. Badger and E. G. Haywood, two prominent Raleigh attorneys:

"1. Suppose the Contract to have been entered into previously to the 19th day of December 1860; but the debt to have become due, and the Cause of action to have arisen subsequently to that date and before the 15th day of May 1865.—Does this section apply so as to forbid the enforcement of execution, or to stay proceedings already begun, &c.?"

"2. Suppose the Contract to have been entered into between the 19th day of December 1860, and the 15th day of May 1865, but the debt to have become due, and the Cause of action to have arisen subsequently to the 15th day of May 1865.—Does this action apply &c.?"

"3. Suppose the Contract to have been originally entered into previously to the 19th day of December 1860, and the debt having become due either before or after the 19th day of December 1860, to have been renewed between the 19th day of December 1860, and the 15th day of May 1865, by taking up the old evidence of debt and substituting a new one—Does this section apply to this Case to forbid the enforcement &c.?"

"4. Does this section forbid the enforcement of judgements and decrees, and stay proceedings which are now pending, and forbid the institution of new suits, when the case of action is a *tort*, and the form of action *ex delicto* and when such tort was committed between the 19th day of December 1860,—and the 15th day of May 1865.—as for example in suits for *trespass*, *libel*, *wrongful conversion of property* and the like?"

"5. Does this section apply to the actions of replevin and detinue, instituted for the recovery of specific articles, where the judgement is in the alternative—either for the return of the articles or for damages?"

"6 Does this section apply to the action of ejectment."

<sup>12</sup> *Senate Executive Documents*, No. 14, 40 Cong., 1 Sess., Circular of April 27, 1867. "The order is to be deemed and taken as an ordinance having the sanction and the authority of the United States for the regulation of certain civil affairs therein specified."

<sup>13</sup> *Senate Executive Documents*, No. 14, 40 Cong., 1 Sess., Circular of April 27, 1867.

<sup>14</sup> 61 N. C., 384.



Justice Dick, rendering the opinion of the court in *Webb v. Boyle*, declared:

His Honor in the Court below, properly yielded obedience to the military orders, as *silent leges inter arma*, but that temporary government, with its general orders, has passed away, and the municipal law of the State has again assumed its wise and beneficial supremacy.<sup>15</sup>

Clearly the North Carolina Supreme Court considered General Sickles's order a temporary one, based solely upon military authority. It is interesting to note, however, that the court did interpret to some extent the provisions of the decree, for it held that bonds or promissory notes executed after May 15, 1865, even though given in satisfaction for bonds or promissory notes executed previous to that date, constituted causes of action subsequent to May 15, 1865, and therefore were not within the purview of the order.<sup>16</sup> But the order did not remain in force long enough to necessitate the court's formulating interpretations of lasting effect, for its existence terminated on April 2, 1868, on which date General Canby approved and put into effect the ordinance of the convention of 1868.<sup>17</sup>

Still more constitutional issues were raised in the course of a heated controversy over General Order No. 10 between the civil régime under Governor Worth and the military authorities. The civil authorities took the illogical ground that the evils the order intended to cure had already been remedied by state legislation and that the decree was unconstitutional because it impaired the obligation of contract. General Canby met these assertions with the counter-statement that, in many of its provisions, the order embraced the same principles embodied in the state legislation and that, as regards the length of the stay and complication of operation, the military legislation was less comprehensive and stringent; therefore, if the military order were unconstitutional because it impaired the obligation of contract, was not the state legislation equally unconstitutional? He also argued that, granted that the laws enacted by the General Assembly of the State effected the same ends as those aimed at by the military order, "the validity of those laws—as a question of fact and as a settlement of the issues involved

<sup>15</sup> 63 N. C., 274-275.

<sup>16</sup> Hood v. Froneberger, 63 N. C., 35-36; Isler v. Kennedy, 64 N. C., 530.

<sup>17</sup> G. O. No. 57, *General Orders, Second Military District*, 1868.



was seriously questioned; and the determination of these questions invited and threatened a flood of litigation that would have been fruitless of any permanent result except a grievous addition to the burdens already weighing upon your people."<sup>18</sup> The first of these counter-arguments was sound but the second was faulty in its reasoning; for, if the state legislation was of questionable validity, was not the military order equally questionable, since both embraced the same general means to the same end? Moreover, if the military order did hold back a flood of litigation, it could but put off the evil day. As a matter of fact General Canby, in his replies to the civil authorities, completely misconstrued or perverted the original purpose of General Order No. 10, for he asserted that one of the order's fundamental purposes was to stay proceedings until such issues as the validity of private contracts made during and under the existence of the Confederate government and related matters were settled,<sup>19</sup> an object which the closest inspection of the order will not reveal. If the language used by General Sickles was indicative of his purpose, its object was purely economic, and its intent was merely to relieve pressure upon debtors by giving them temporary relief. Furthermore, General Canby's introduction of this extraneous issue was matched by his utter misconception of the purpose of the Reconstruction Acts: he conceived that authoritative statements (presumably by decisions in the Federal courts) upon the validity of private contracts made during and under the existence of the Confederate government were essential to the establishment of a state civil government in conformity with the Reconstruction Acts.<sup>20</sup> Either General Canby was fearfully befuddled in his legal and constitutional thinking or he was quibbling. Nevertheless, the order stood until April 2, 1868.

<sup>18</sup> Governors' Papers, Worth, Canby to Worth, October 12, 1867.

<sup>19</sup> Governors' Papers, Worth, Canby to Worth, October 12, 1867.

<sup>20</sup> Governors' Papers, Worth, Canby to Worth, October 12, 1867. His language was indefinite, but the meaning is clear. "The next question relates to the effect of the order upon issues that may eventually be carried beyond the jurisdiction of your Courts. The order itself is . . . intended . . . to stay preliminary proceedings until the principles of justice and equity that should control their adjudication have been settled or, in the language of the order 'until the civil government of the respective States shall be established in conformity with the requirements of the Government of the United States.' . . . These are not abstract issues. They are questions of practical and daily application. The decisions of the Courts of the States lately in Rebellion, have been conflicting and so far as I am advised but one of the points in question has been adjudicated and settled by the Courts of the United States. This decision does not warrant the assumption that contracts, that were in violation of the laws of the United States, that were aimed at the subversion of that Government—or were against its declared public policy—can be enforced in its Courts; and yet, I am justified from the facts before me, in assuming that much of the pressure for the abrogation of General Orders No. 10, and, by necessary implication—of your own relief-laws is for the purpose of pressing doubtful contracts to a premature conclusion & obtaining settlements before the principles upon which they should be settled—have been determined by the Courts of ultimate resort."



General Sickles attempted to apply General Order No. 10 to processes of the Federal as well as the state courts. This action may have been prompted by Governor Worth's declaration that out-of-state creditors could enforce collection of debts in Federal courts while creditors residing within the State were restrained by the military order from similar relief.<sup>21</sup> (Governor Worth, of course, accidentally or deliberately overlooked the fact that the state legislation would have the same effect.) Whatever his motive, General Sickles's attempt resulted in a clash between him and the Federal judicial authorities. The matter was finally referred to President Johnson, who sustained the opinion of the Attorney-General's office that there was no power competent to suspend the process of a United States court save the court itself or a superior one. As a result, President Johnson removed General Sickles from office and appointed General Canby in his stead.<sup>22</sup> Curiously, despite this drastic action, a military commander at Goldsboro attempted a similar interference with Federal judicial authority in 1868. The military authorities immediately retracted;<sup>23</sup> the Federal courts remained free of military control. This civil victory meant, of course, that non-resident creditors could obtain judgments in Federal courts, whereas creditors residing within the State could not obtain judgments in state courts; but a similar situation would have arisen had the state laws remained in effect.<sup>24</sup>

As noted above, the controversies between the military and the state and Federal civil authorities obscured the fact that both state legislation and General Order No. 10 effected virtually the same ends; both sets of ordinances suspended proceedings *in re* Civil War debts until the fall of 1868. At that point, the tide of public opinion apparently had changed, for Governor William W. Holden, often a good barometer of public opinion, in his first message to the General Assembly

<sup>21</sup> Governors' Papers, Worth, Worth to Sickles, June 17, 1867. "The action of the district court of the United States, now sitting at Raleigh, by which the non-resident creditor, may enforce collection, while the defendant, under your order No. 10 is restrained from collecting from his debtor, occasions much alarm." Endorsed by Sickles, June 21, 1867, that he had heard of no such case. The fact that this correspondence occurred before the action taken by General Sickles in forbidding enforcement of an execution by the United States Circuit Court suggests that he may have been activated by a desire to equalize conditions for all.

<sup>22</sup> Hamilton, *Reconstruction in North Carolina*, pp. 231-233; The order is given in James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, VI, 557.

<sup>23</sup> Instruction Book, Attorney General's Office, A. O. H. Browning to Goodloe, May 20, 1868; Register of Letters Received, Attorney General's Office, II. Remarks made with reference to Goodloe's (U. S. Marshal for North Carolina) letter of May 15, 1868, reporting the military action: "July 10 Marshal Goodloe states orally that the military have retracted." (These sources are preserved in the Department of Justice Archives, National Archives.)

<sup>24</sup> See below, pp. 232-233.



in 1868, earnestly recommended the repeal of the stay laws:

Our State government will not be in complete operation until every impediment to the collection of debts is removed. Stay laws which give indulgence beyond the usual dilatory plea, or beyond the ordinary stay of execution on sufficient security are, under any circumstances, of doubtful utility. The "evil day" of payment, as it is termed, is postponed in most cases to be felt with added force by the debtor. A sound and judicious credit system . . . is impaired, if not destroyed, by general laws which may be said to place the creditor for years in the hands of the debtor, with the certainty in many cases of the loss of the debt. . . . The losses incurred by the rebellion are not confined to particular cases. They were general, affecting the whole people of the State in every walk of society. If a debtor cannot pay in the last resort . . . he is bankrupt. . . . We may lament his misfortunes and sympathize with him, but still the fact remains that he is still in possession of property which justly belongs to his creditors, some of whom may have been reduced to his condition by his failure to meet his obligations.<sup>25</sup>

This gubernatorial indictment of the stay laws was followed by a sweeping decision of the State Supreme Court which, in January, 1869, reversed its original attitude and branded these laws unconstitutional and detrimental to the general welfare of the State. Clearly, the course of official sentiment was reversed.

Associate Justice Reade, a banker with liberal economic views and a man who, with a Whig background, was supported by both Republicans and Conservatives,<sup>26</sup> delivered the opinion of the State Supreme Court in the case of *Jacobs v. Smallwood*. He emphasized the need of protecting all classes of society and claimed that the welfare of all depended upon the obligation of contract:

As it is, we find that eight years of stay laws have left a considerable indebtedness, with interest and cost accumulated and creditors and sureties impoverished, without any corresponding benefit to the principal debtors, some of whom cannot pay and have sought relief from the bankrupt law; and some have delayed and have now lost the opportunity for that relief by reason of the false hopes held out by the stay law; and some of whom will not pay, although their means are abundant and are used in speculation and extravagance.<sup>27</sup>

<sup>25</sup> *Legislative Documents, North Carolina, 1868-1869, No. 1, pp. 10-12.*

<sup>26</sup> Jerome Dowd, *Sketches of Prominent Living North Carolinians*, pp. 92-94; Hamilton, *Reconstruction in North Carolina*, pp. 121-122; For Reade's liberalism see his decision in the case of *Hill v. Kessler*, below, p. 227. Of this decision, Reade said later, in the case of *Garrett v. Chesire* (69 N. C., 406): "The opinion in *Hill v. Kessler* . . . was against my former impressions and predudices and against my pecuniary interest, but I was satisfied then, as I am now, that the decision was right."

<sup>27</sup> 63 N. C., 115.



Although such was the gloomy picture of actual conditions, Justice Reade felt that every man's bond—that is to say, his word—should be inviolable, a fact which he believed the framers of the Constitution of the United States regarded as of vital importance, a principle which “was a guaranty of justice to all, and is expressly so against him who would obtain the profits of industry and withhold the reward.”<sup>28</sup>

To this decision Associate Justice Rodman entered an able dissent in which he claimed that the stay laws were intended primarily to change the jurisdiction of the courts and that the Supreme Court was not entitled to declare this legislative intent false. Pointing out that the General Assembly had interfered greatly with obligation of contract before, the most notable example being the ordinance of emancipation, he declared:

If in these instances the legislative acts did not so materially impair the remedy of the creditor as to impair the obligation of the contract, it is difficult to see on what principle that effect can be attributed to an act which leaves to the creditor every remedy he had before; their operation being retarded on considerations of public policy.

He could “conceive of no standard by which the degree of the materiality of the change can be judicially measured any more definite than that heretofore declared, which is obviously insufficient to solve this case.”<sup>29</sup>

Justice Rodman's dissent emphasizes the importance of the change in public policy. As will be noted presently, Justice Reade was no conservative in economic thought and the majority of the Supreme Court endorsed the homestead principle. It was clear, however, that the motive behind the change in policy was dictated by a liberal middle-class philosophy, the basic elements of which were “obligation of contract” and “a sound and judicious credit system.”

Another solution suggested to cure the economic ills of post-Civil War society in North Carolina was the “homestead exemption.” This plan attempted to secure from actions of debt a designated amount of real property to every freeholder and a specified amount of personal property to all persons.<sup>30</sup> Thus, no matter how fiercely the winds of adversity might blow, all men, their wives, and their children

<sup>28</sup> 63 *N. C.*, 113-114.

<sup>29</sup> 63 *N. C.*, 125, 127.

<sup>30</sup> The exemption would not, however, apply to cases involving fraud or cases wherein the debt had been incurred to secure the property itself.



would be secure in their homes and in their means of earning a living—provided they once possessed the means.

The first law dealing with this subject was passed by the General Assembly on February 25, 1867. It exempted from actions of debt all mechanics' tools; the agricultural implements of a farmer necessary for two male laborers; the libraries of attorneys-at-law, doctors, physicians, and ministers of the Gospel; and surgeons' and dentists' instruments. Furthermore, it exempted real estate of heads of families or housekeepers, if freeholders, to the extent of one hundred acres, if located in the country, or one acre, if located within a city. Finally, the following personal property of said heads of families or housekeepers was made free from actions of debt: one work horse, one milk cow and a calf, fifteen hogs, fifty bushels of corn, twenty bushels of wheat or rice, five hundred pounds of pork or bacon, one yoke of oxen, one cart or wagon, and household furniture to the value of two hundred dollars, to be selected by the debtor. This act, far-reaching as it was, was not to be *ex post facto*.<sup>31</sup>

Shortly after the passage of this law, General Sickles promulgated a military homestead order in his much-debated General Order No. 10.

In all sales of property under execution or by order of any court, there shall be reserved out of the property of any defendant who has a family dependent upon his or her labor, a dwelling house and appurtenances and twenty acres of land, for the use and occupation of the family of the defendant; and necessary articles of furniture, apparel, subsistence, implements of trade, husbandry or other employment, of the value of five hundred dollars. The homestead exemption shall inure only to the benefit of families—that is to say, to parent or parents and child or children. In other cases, the exemption shall extend only to clothing, implements of trade or other employment usually followed by the defendant, of the value of one hundred dollars. The exemption hereby made shall not be waived or defeated by the act of the defendant.<sup>32</sup>

This order, while it suspended all civil laws or ordinances inconsistent with its provisions, obviously did not defeat the purpose or provisions of the state homestead law. In applying the exemption to *all* sales of property, it was *ex post facto*, but did not become an object of controversy between the civil and military authorities.

<sup>31</sup> *Laws of North Carolina, 1866-1867*, Ch. 61: 81-84.

<sup>32</sup> G. O. No. 10, April 11, 1867, *General Orders, Second Military District, 1867*.



This trend of economic thought, expressed by both the civil and military authorities, received its final endorsement in Article X of the Constitution of 1868.

Section 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any court, issued for the collection of any debt.

Section 2. Every homestead and the dwelling and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempted from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Section 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt, during the minority of his children, or any one of them.

These provisions were seconded by legislation enacted shortly after the new civil government went into effect in 1868.<sup>33</sup>

The outstanding question involved in the application of these constitutional provisions and the laws pursuant thereto was whether or not they were *ex post facto*. A number of Republicans wrote Governor Holden for an opinion upon this matter. They felt that the exemption was valueless if it did not apply to debts contracted before the adoption of the Constitution of 1868; yet their lawyers, who were Conservative Democrats, told them it did not so apply.<sup>34</sup> The governor endorsed one of these requests: "Answered that Homestead ought to be considered retrospective until decided different [*sic*] by the Supreme [Court]." <sup>35</sup> So important did the question become that the General Assembly requested the Supreme Court to render an opinion upon it. This the court refused to do, reserving its opinion until an actual case

<sup>33</sup> *Laws of North Carolina, 1868-1869*, Act of August 22, 1868, Ch. 43: 59-60, Act of April 9, 1869, Ch. 137: 331-342.

<sup>34</sup> Governors' Papers, Holden, W. J. Laird to Holden, November 9, 1868. After requesting, on behalf of the commissioners of Anson County, Holden's opinion as to whether or not the homestead exemption was retrospective, Laird wrote as follows:

"thea [*sic*] has become to be some dissatisfaction among the Republican party with regard to that one thing [*sic*] they [*sic*] ar [*sic*] told by the democrats and Lawyers of that party that the Homestead [*sic*] has a nuthing [*sic*] to do with any debts only new and that has bin [*sic*] made since its rattification [*sic*]"

Frank D. Irwin (Clerk of Burke Superior Court) to Holden, January 20, 1869. Irwin declared that if the homestead law were only prospective, little good could be derived from it, for "the people of this County are sorely oppressed, especially the farmers—who were so unfortunate as to get into debt, they [*sic*] are sued, their little property & effects, advertised and soon under the sheriff's hammer to be sacrificed at less than 1/2 its value. . . ." "I have heard of but one as yet, who have [*sic*] taken the benefit of the Home-stead. The lawyers say it is nul [*sic*] & void, his creditors tell the Officers to go a head [*sic*], and execute & sell."

<sup>35</sup> Governors' Papers, Holden, endorsement upon John C. Whitsett to Holden, November 11, 1868.



was decided.<sup>36</sup> Associate Justice Reade, however, in an *obiter dictum* in *Jacobs v. Smallwood*, for all practical purposes announced that the court would receive the homestead exemption favorably.<sup>37</sup>

The authoritative decision upon this very important problem was rendered by the State Supreme Court in the case of *Hill v. Kessler*, in the January term, 1869. Justice Reade delivered the opinion: the homestead exemption *did* apply to pre-convention contracts; in so doing, it did not impair the obligation of contract, since the intent of the law was to secure homesteads, not to defeat debts.

The great error is in supposing that the homestead law is to defeat debts. That is no part of the object of the law. The laying off of a homestead is the sole object, and is prospective altogether. If any debt is affected by it, it is merely incidental. It . . . declares its object upon its face to be not to defeat debts, but to allow to every resident of the State "and his children" and his "widow" a home and the means of living, if they have them. It is a question not of defeating debts, but in the language of *Chief Justice Taney*, "it is a question of policy and humanity, which every civilized community regulates for itself."<sup>38</sup>

The object, then, of the homestead law was to further the welfare of society and it was the business of the legislature—not of the courts—to determine public policy.

The court, however, was not unanimous in its decision; indeed, *Hill v. Kessler* revealed that the two most important figures on the bench—men who had the support of both Conservative Democrats and Republicans in the election of 1868—differed sharply in economic and social outlook. Chief Justice Pearson dissented vigorously from the court's opinion as delivered by Justice Reade. The chief justice disliked all forms of homestead exemptions, prospective as well as retrospective; he believed that in nine cases out of ten the only property a debtor possessed would be covered by the exemptions:

I am aware that in several of the States decisions have been made sustaining homestead laws. These cases all rest on the fallacy of assuming the power to make exemptions to some extent, and then, on the idea of legislative discretion, the amount is swelled up to thou-

<sup>36</sup> *Legislative Documents, North Carolina, 1868-1869*, No. 23. Chief Justice Pearson to T. R. Caldwell (President of the Senate) and J. W. Holden (Speaker of the House), February 9, 1869.

<sup>37</sup> *Jacobs v. Smallwood*, 63 N. C., 116-117.

<sup>38</sup> 63 N. C., 447.



sands; and it is justified on the ground of "keeping pace with the progress of the age"—a progress in this particular, I fear, of dishonesty and fraud.<sup>39</sup>

After the basic decision had been made, the court proceeded to the interpretation of secondary, though important, matters. Thus, although the homestead act was considered retrospective, the exemption was not to apply if a levy had been made upon property before the adoption of the constitution of 1868. In such case there was a vested right; the court held that the constitution of 1868 did not propose to destroy vested rights.<sup>40</sup> If judgment had been obtained against a debtor before the adoption of the Constitution but levy on the same was not made until afterward, however, the homestead exemption applied.<sup>41</sup>

Another question which gave rise to much discussion was whether or not the homestead exemption applied to persons who became debtors as a result of judgments arising out of tort or conviction of crime. The matter was referred to Attorney General L. P. Olds, who replied convincingly that the public welfare requires that injuries to both State and individuals be punished for wrong done them and therefore "any law whereby these remedies are weakened is a public and a private evil, and not to be tolerated."<sup>42</sup> Yet, in the face of so strong a construction, the Supreme Court held, in the case of *Dellinger v. Tweed*, in 1872, that the personal property and homestead of an individual guilty of defamation of character could not be sold under an execution issued upon judgment rendered in such action. Justice Reade, in delivering the opinion of the court, argued that execution never issued upon debt, contract, tort, or damages, but upon *judgment*; therefore, since the paramount aim of the constitution of 1868 was to secure homesteads, the homestead and personal property of individuals could not be sold under an execution issued upon a judgment rendered in an action *ex delicto*.<sup>43</sup> Chief Justice Pearson dissented vigorously, saying that such a construction would protect slanderers, seducers, and malicious prosecutors—that it was not the intention of

<sup>39</sup> 63 N. C., 451.

<sup>40</sup> *McKeithan v. Terry*, 64 N. C., 25-26.

<sup>41</sup> *Ladd v. Adams*, 66 N. C., 164.

<sup>42</sup> *Legislative Documents, North Carolina, 1868-1869*, No. 16, p. 3. Construction of November 29, 1869. The question had been put by the House of Representatives.

<sup>43</sup> 66 N. C., 210-211.



the constitution to put people "at the mercy of the vicious and ill-disposed."<sup>44</sup>

Although Chief Justice Pearson's argument favored the cause of substantial justice, the decision of the court illustrated well the difficulties involved in holding the position that the homestead exemption was retrospective and yet did not impair the obligation of contract. Had the court conceded that the exemption was intended to protect debtors, then obviously the retrospective action impaired the obligation of contract, for a contract, when made, involves the remedy obtainable at the time. On the other hand, the decision that the constitution intended to secure homesteads almost necessarily led, upon strict legal construction, to such a ruling as *Dellinger v. Tweed*. Yet the court was not consistent in its application of the homestead principle. As noted above, Justice Reade himself held in one case that vested rights held priority over homesteads.<sup>45</sup> And, in 1873, Justice Rodman, speaking for the court, declared: "The purpose of the homestead law is to legislate between a debtor and his creditors, and to affect other interests incidentally only. . . ."<sup>46</sup> Justice Rodman spoke only the truth, but his admission invalidated the thesis of *Hill v. Kessler* that the object of the constitution of 1868 and the laws pursuant thereto was to secure homesteads, not to defeat debts.

Three years after the authoritative state decision of *Hill v. Kessler*, the United States Supreme Court announced in the case of *Gunn v. Barry* that a homestead act of the State of Georgia, by allowing far greater exemptions than were permitted under the former laws of the State, was unconstitutional in its retrospective aspects in that it impaired the obligation of contract.<sup>47</sup> This decision visibly upset the North Carolina Supreme Court, although that court refused at first to concede that the decision affected the North Carolina law. Justice Reade argued most cogently that, in striking contrast to the Georgia laws, the North Carolina constitution of 1868 permitted less exemption than was granted by the North Carolina law of 1867; hence the 1868 law was made primarily to secure necessities and comforts to people not to defeat debts.<sup>48</sup> His fear of the *Gunn v. Barry* decision

<sup>44</sup> 66 N. C., 212-214.

<sup>45</sup> *McKeithan v. Terry*, 64 N. C., 25-26.

<sup>46</sup> *Hager v. Nixon*, 69 N. C., 113.

<sup>47</sup> 82 U. S., XXI, 214-215.

<sup>48</sup> *Garrett v. Chesire*, 69 N. C., 399-401.



was reflected, however, in his comment on the action of the highest court:

It would be verging on the ridiculous to say that the Supreme Court of the United States, or any other court, better knows the details of what is necessary for the "comfort and support" of the citizens of North Carolina than the Legislature of the State. . . . And it would be inhumanity to say that because the Legislature repealed one exemption law and substituted another and a lesser one, therefore the debtor should not have any exemption at all. And this, too, at a time when, owing to peculiar circumstances, probably one-half of the debtor class are owing more *old* debts than they can pay. . . . If under our circumstances our people are to be left without any exemptions, the policy of Christian civilization is lost sight of, and we might almost as well return to the inhumanity of the Twelve Tables of the Roman law: "If the debtor be insolvent to several creditors, let his body be cut in pieces on the third market day. It may be cut into more or fewer pieces with impunity; or, if his creditors consent to it, let him be sold to foreigners beyond the Tiber." Cooper's Justinian, 655, App.<sup>49</sup>

For the next four years the North Carolina Supreme Court continued to assert the constitutionality of the state laws; but in 1877 its course was directly overruled by the highest court in the land; the homestead law could no longer be considered retrospective in action.<sup>50</sup>

It is most interesting to note that the course of state laws and decisions upon the homestead issue was closely paralleled by bankruptcy decisions in the Federal courts in North Carolina. On March 2, 1867, Congress passed a law providing that there should be exempted from the possessions of a bankrupt before the Federal courts all such property as was exempt by state laws as of 1864.<sup>51</sup> This law was amended in 1872 and 1873 so that bankrupts would be allowed exemptions accorded debtors by state laws existent in 1870. By these acts Congress applied the homestead exemption to Federal proceedings in bankruptcy in North Carolina.<sup>52</sup>

Before the passage of the laws of 1872 and 1873, an attempt had been made to apply the homestead exemption of North Carolina of 1868 to Federal proceedings in bankruptcy. In 1869 a bankrupt pleaded that Congress, in accepting the North Carolina constitution of 1868 and permitting the State to return to its normal political relations with the national government, had, in effect, amended the

<sup>49</sup> 69 N. C., 399-401.

<sup>50</sup> *Edwards v. Kearsey*, 96 U. S., 595.

<sup>51</sup> *U. S. Statutes at Large*, XIV, 517.

<sup>52</sup> *U. S. Statutes at Large*, XVII, 334, 577. Acts of June 8, 1872, and March 3, 1873.



bankrupt law of 1867 to embrace the state exemption. It was an ingenious plea but Judge G. W. Brooks rightly denied it; clearly, Congress contemplated no such action.<sup>53</sup> When the acts of 1872-1873 were enacted, however, the Federal district courts in North Carolina promptly enforced them.<sup>54</sup> At the same time the State Supreme Court cited the Federal laws as proof that the decision in *Hill v. Kessler* had received general acquiescence.<sup>55</sup>

The invalidation of the Georgia homestead law by the United States Supreme Court threatened the Federal bankruptcy laws as well as the North Carolina homestead laws. Judge R. P. Dick, newly-appointed judge for the Western District of North Carolina, created in 1872, met this threat by pointing out that, although the states were prohibited from impairing the obligation of contract, there was no such impediment in the path of the Federal government: Congress, by virtue of the authority granted by the Constitution to establish uniform laws on bankruptcy, possessed the power not only to impair but to destroy the obligation of contract.<sup>56</sup> He admitted that Congress could not, by legislation, give effect to a state law or constitution that violated the Constitution of the United States. He believed, however, that Congress could, in framing bankruptcy laws, adopt the very language and principles employed by state legislation. In his opinion, the acts of 1872 and 1873 did not profess to validate state laws which were unconstitutional; rather, they adopted the principles expressed in the state legislation and made those principles part of national bankruptcy statutes.<sup>57</sup> Judge Dick, who had been a member of the State Supreme Court until 1872 and had concurred in *Hill v. Kessler*,<sup>58</sup> exhibited in his opinions a line of economic thought similar to that of Associate Justice Reade:

Until within a recent period the statute law of this State subjected to execution the lands, person, and chattels of a debtor, and only a few articles of small value were allowed as exemptions to keep the debtor and his family from absolute starvation or dependence upon the charity of neighbors. This legislation and the natural greed of creditors necessarily had the effect of filling the country with families of paupers who were a burden instead of a benefit to the state. The constitution

<sup>53</sup> *In re McLean*, 16 Fed. Cas., 239 (No. 8, 878).

<sup>54</sup> *E. g.*, *In re Hall*, 11 Fed. Cas., 199-201 (No. 5, 291).

<sup>55</sup> *Martin v. Hughes*, 67 N. C., 297.

<sup>56</sup> *In re Jordan*, 13 Fed. Cas., 1080-1081 (No. 7, 514).

<sup>57</sup> 13 Fed. Cas., 1082.

<sup>58</sup> *In re Vogler*, 28 Fed. Cas., 1249-1250 (No. 16, 936).



of this state, adopted in 1868, was the commencement of a new, more humane, and enlightened policy upon this subject. The results of the Rebellion had rendered a large number of our people bankrupt in fortune; and the convention of 1868 determined to insert a provision in our organic law, to preserve the liberty of an honest and unfortunate debtor, and secure a home for his family, and encourage and enable him by honest industry to assist in restoring wealth and property to the state.<sup>59</sup>

In spite of his vigorous defense of the homestead exemption, however, his views were overruled by his immediate superior, Federal Circuit Judge Bond. The latter, following the decision of *Gunn v. Barry*, ruled in 1875 that in cases of debts incurred before the adoption of the constitution of 1868 the homestead exemption could not be applied in Federal bankruptcy cases.<sup>60</sup> Thus the decisions in the Federal courts ran a close parallel to those in the state courts.

A third suggestion for the economic betterment of post-war society in North Carolina was abolition of imprisonment for debt. The necessary legislation was enacted in 1867 and was quickly seconded by General Order No. 10.<sup>61</sup> Of the three solutions proposed for the economic welfare of the State this was the only one not declared unconstitutional.

The law was enforced immediately by the state courts.<sup>62</sup> Yet when this remedy was actually applied, a serious defect appeared: the first act had the effect of discriminating in favor of out-of-state debtors, for, while it made definite provision whereby bail might be required upon oath of the plaintiff in an action of debt that the defendant was about to remove himself or his property beyond the limits of the State, it left resident creditors of out-of-state debtors no similar remedy. Creditors sought to secure writs of attachment, which had the legal effect of seizing property, and thus to force non-resident debtors to appear before court or suffer the loss of their property; whereupon the creditors could enter nonsuit, make affidavit that the defendants were about to remove, etc., and thus force them to give bail. By this means, out-of-state debtors could be forced into the State and their creditors gain some hold on them. The object was defeated, however, by the decision of the State Supreme Court, which held that abolition of imprisonment

<sup>59</sup> 28 *Fed. Cas.*, 1249-1250.

<sup>60</sup> *In re Shipman*, 21 *Fed. Cas.*, 1314 (No. 12, 791).

<sup>61</sup> *Laws of North Carolina*, 1866-1867, Ch. 63:85.

<sup>62</sup> The leading case was *Bunting v. Wright*, 61 *N. C.*, 296.



for debt (under the doctrine of *cui bono*) prevented judgment upon a bail bond; therefore, it was impossible to issue the writ of attachment. And so the creditor was left without recourse. To use the words of Chief Justice Pearson:

It is asked: what is a creditor to do? A non-resident debtor, if not required to give bail, may enter his pleas and contest the cause of action and then remove his property while the action is pending! We can only say, it is the province of the courts to expound the laws, not to make them.<sup>63</sup>

This decision was rendered in 1868: the exasperation aroused may well be imagined, especially in view of the fact that out-of-state creditors could collect from resident debtors in Federal courts.<sup>64</sup> The only remedy lay of course in new legislation which cured the difficulty.<sup>65</sup> Except for this embarrassment, no trouble was encountered in the application of the laws abolishing imprisonment for debt, a policy which was in accordance with the best economic thought of the time.

Such were the attempts to secure relief for North Carolina's debt-ridden citizenry. These were significant laws, involving principles of fundamental economic and social importance; their administration touched the daily lives of people. Although their import has been obscured by past emphasis on political phases, they had greater and more lasting effect than the fanfare of politics, with its speeches and elections, its Union Leagues and its Klans. Moreover, it is most significant that the remedies proposed were not the work of any one class or group of men: they found support in all classes, for, as Governor Holden observed: "The losses incurred by the rebellion are not confined to particular cases. They were general, affecting the whole people of the State in every walk of society." Conservative Democrats, military men, and Republicans alike—all proposed nearly identical solutions for the economic ills of the time; the fundamental program of all was the same.

Thus the stay laws, first put into operation by the Conservative followers of Governor Worth, were replaced by General Order No. 10, which was in effect only a less comprehensive stay law. The Republicans followed the military

<sup>63</sup> Holmes v. Sackett, 63 N. C., 63.

<sup>64</sup> See above, p. 222.

<sup>65</sup> *Laws of North Carolina, 1869-1870*, Ch. 79: 127-128.



authorities in using this plank in their economic program for recovery. Likewise Conservatives, military men, and Republicans worked earnestly for comprehensive homestead exemptions, and the Conservative Democrats, even after their return to power, not only did not alter the homestead provision in the constitution of 1868 but endeavored to secure the embodiment of this principle in Federal bankruptcy legislation.<sup>66</sup> Finally, all parties agreed upon the necessity of abolition of imprisonment for debt.

One must hasten to add that, beginning in 1868, differences of opinion with regard to this broad economic program developed between Conservative Democrats and Republicans and within Republican ranks. Thus, after the Republicans assumed control in 1868, Governor Holden recommended the repeal of the stay laws and a Republican Supreme Court declared these laws unconstitutional, despite the fact that such a decision must have worked hardship for some Republicans.<sup>67</sup> There is evidence that the stay laws may have operated for the benefit of Conservative Democrats rather than of Republicans.<sup>68</sup> Also, the Democrats were opposed to retrospective operation of the homestead exemption, while many Republicans, most of them men of little property, earnestly desired this feature.<sup>69</sup> These differences of opinion do not, however, invalidate the contention that the fundamental economic program of both parties was much the same.

Finally, beneath the surface of these proposals may be glimpsed two controlling and conflicting thoughts: (1) the need of a humanitarian policy to alleviate suffering and (2) the preservation of a middle-class economy. So many people were thrown into debt as a result of the Civil War that it

<sup>66</sup> The attempt of the Conservative Democrats to alter the state constitution in 1870-1871 expressly exempted the homestead. See Hamilton, *Reconstruction in North Carolina*, p. 564. The following letter referring to the failure of the Conservatives' attempt to secure a state constitutional convention is instructive: Thomas R. Jernigan (attorney at Harnettsville) to John Gatling, September 6, 1871. (Moore-Gatling Papers, Southern Historical Collection, University of North Carolina Library, Chapel Hill.) "It must be admitted that the convention was defeated by our own party—some voting against it through fear of losing their homesteads, & others not voting at all."

<sup>67</sup> Governors' Papers, Holden, L. J. Horner to Holden, January 15, 1869. Horner was perturbed at the rumor of possible repeal of the stay laws. The market would be glutted with forced sales. Most old debts had been contracted on the understanding that they were to be paid in the same currency. He suggested the passage of a law to legalize the payment of debt in currency. Governor Holden endorsed this letter, thanking Horner for his suggestions and adding that the stay laws would probably not be repealed soon, "though I think all such laws are wrong in principle."

<sup>68</sup> Governors' Papers, Holden, Jonathan W. Albertson (later to become a superior court judge) to Holden, November 10, 1868:

"In this section all the blatant and envenomed copperhead leaders are large land-owners, and to a man they are insolvent. Yet the stay-law offers to them a sure retreat, behind which they can safely intimidate republicans, keep their own poor men in line and bid defiance to creditors. They live on the mistaken mercy of a Republican Legislature. . . . If the Legislature don't draw their fangs by repealing the stay-law they will break our party down."

<sup>69</sup> See above, p. 228 ff.



became necessary to provide relief for them. Those who under pre-war laws would have been placed in a debtors' prison were now regarded as honest, if insolvent, debtors. Yet, in providing such relief, the credit of the State and obligation of contract must be preserved.

It is clear that the public servants endeavored to serve both of these views but that, in the long run, the philosophy of obligation of contract dominated the humanitarian motive. Thus the stay laws were finally declared unsound and invalid upon the ground that they interfered with obligation of contract and that they prevented "a sound and judicious credit system." Men of liberal middle-class views like Justices Reade and Dick endeavored to use the homestead exemption to support humanitarianism, but this attempt ran afoul of the more conservative United States Supreme Court. And so the philosophy of the middle class finally defeated that of debtor relief, a fact which played a most significant rôle in the history of Reconstruction in North Carolina.



## FLORA MACDONALD IN HISTORY

By DOROTHY MACKAY QUYNN

One hundred fifty years ago Flora Macdonald died in the Island of Skye. Famous in her native Scotland for saving the Pretender's life, she also enjoyed fame during her residence in North Carolina, among the Highlanders living here, who were staunch in their devotion to the homeland, its traditions, and its Highland dress.

Flora was the daughter of Ranald Macdonald of Balivanich and Milton, by his second wife, Marion Macdonald, a descendant of the Macdonalds of Sleat. She was first cousin, once removed, of her husband. They had three children, Angus, Ranald, and Flora, who was born at Milton, South Uist, in 1722. The father died about a year after Flora's birth,<sup>1</sup> leaving his widow the use of the two estates of Balivanich and Milton,<sup>2</sup> and many cattle and sheep. Profiting by the local tradition which permitted such procedure, a cousin, Hugh Macdonald of Kingsburgh, abducted the widow, took her to his home in the Island of Skye, where they were married, and then returned with her to Milton to manage her affairs for her.<sup>3</sup> Hugh Macdonald had been among the many Scots to serve with the French Army, and in 1745 was captain in an independent company employed to hunt down Prince Charles Edward.<sup>4</sup>

Concerning Flora's early life we have only scattered information. She was a person of culture, but there seems to be no proof that she had any formal education as a child, and it is unlikely that she had lived in any place where this would have been possible. Captain O'Neill, the Pretender's companion, who knew her well, reported, "She had a certain mixture of gravity in her behavior which became her situation exceedingly well and set her off to great advantage. . . .

<sup>1</sup> Allan R. Macdonald, *The Truth about Flora Macdonald* (Inverness, 1938), p. 2. I have used this book extensively when biographical data have been unavailable in printed collections of sources. The author used and published extracts from the Loyalist Papers in the Public Record Office, London, as well as certain family papers. His study is the only one I have found which made any effort to distinguish between the facts based on sources and those depending exclusively on tradition.

<sup>2</sup> The Outer Hebrides consist of Lewis and Harris to the north, and the four smaller islands connected by fords, North Uist, Benbecula, South Uist, and Barra, together with a great many very small islands such as Eriska. This chain is known locally as the "Long Island." The estates were in South Uist.

<sup>3</sup> Macdonald, *Truth*, p. 3, and p. 5, note 9, refutes the generally accepted story that the couple continued to live in Skye, basing his view on rental lists among family papers.

<sup>4</sup> Walter B. Blaikie, *Origins of the Forty-Five* (Scottish History Society, 2nd series, Edinburgh, 1916), p. 249, note 2; Robert Forbes, *The Lyon in Mourning* (Scottish History Society, XX, XXI, XXII, XXIII, Edinburgh, 1895-1897), II, 18, 103. *The Lyon in Mourning* is a collection of contemporary materials concerning Prince Charles Edward and his supporters. See also A. Henderson, *Life of William, Duke of Cumberland* (Edinburgh, 1766), p. 299.



One could not discern by her conversation that she had spent all her former days in the Highlands; for she talks English (or rather Scots) easily and not at all through the Earse tone. She has a sweet voice and sings well; and no lady, Edinburgh bred, can acquit herself better at the tea-table. . . ."<sup>5</sup> She had never been out of the islands of South Uist and Skye till about a year before the Prince's arrival, "when she visited the family of Macdonald of Largie in Argyllshire<sup>6</sup> for the space of ten or eleven months."<sup>7</sup>

In 1745 Hugh Macdonald became tenant of Armadale in Skye,<sup>8</sup> and presumably left Milton for Skye at that time. Flora must have gone to live with her mother and step-father, for it was from Skye that she returned to Milton in 1746, "to visit her brother-german, who had about that time taken up house."<sup>9</sup> Perhaps she planned to live at Milton as mistress of his house, for various unproven tales say that she was his housekeeper, and that she had remained behind with him when her mother remarried.<sup>10</sup> It was while living with her brother at Milton that the incident occurred which made her famous on two continents.

Prince Charles Edward Stuart was the grandson of the exiled James II of England, who died in 1701. The prince's parents were the "Old Pretender" and Princess Clementina Sobieska. James had made an unsuccessful attempt to gain the British crown in 1715. His son, Charles Edward, was born in Rome in 1720. The prince grew to be a more romantic and popular figure than his father, and when the French backed the most important of the attempts to restore the Stuarts, the famous "Forty-five," they had great hopes of rallying the Scottish clans to his standard. The prince left France on June 22, 1745, on a French ship, passed Barra, the southernmost of the Outer Hebrides, on July 22, and landed the next day on Eriska,<sup>11</sup> a small island between Barra and South Uist.<sup>12</sup> Certain prominent members of the Clan Macdonald visited him there,<sup>13</sup> the islands of North

<sup>5</sup> Forbes, *Lyon*, I, 117.

<sup>6</sup> The family of her maternal grandmother.

<sup>7</sup> Forbes, *Lyon*, I, 116.

<sup>8</sup> Macdonald, *Truth*, p. 3, p. 5, note. 9.

<sup>9</sup> Forbes, *Lyon*, I, 296.

<sup>10</sup> J. P. Mclean, *Flora Macdonald in America* (Lumberton, N. C., 1909), p. 10, records, without source, a conversation in which Flora says, "I will stay in Milton because I love it. I do not know Skye and do not care for it. I will therefore remain with Angus until my dear Mamma comes back to me." The same author says that Flora had been educated first in the family of the Clanranald Macdonalds at Ormiclade in South Uist, later at a boarding-school in Edinburgh. There is no documentary proof of either story.

<sup>11</sup> Forbes, *Lyon*, I, 288.

<sup>12</sup> It is possible to cross on foot from Eriska to South Uist, with the help of a guide, by means of fords at low tide. See "Martin's Description of the Western Islands," in John Pinkerton, *Voyages and Travels* (Philadelphia, 1811), III, 602-603.

<sup>13</sup> Forbes, *Lyon*, I, 203.



and South Uist, most of Skye, all of Rum and Eigg, and parts of the nearby mainland being Macdonald country. The Macdonalds advised the prince not to continue,<sup>14</sup> but the prince crossed over to the mainland, where he received the hospitality of some Macdonalds,<sup>15</sup> despite their disapproval, and despite the British government's offer of a reward of £30,000 for the "seizing of the Prince on his landing in Britain."<sup>16</sup>

From June 24, 1745, until April 16, 1746, the prince was on the mainland. His hopes of obtaining the crown were destroyed at the Battle of Culloden, and he again sought refuge in the Macdonald country. He left the mainland on April 26, and returned to the Long Island, where he wandered as a fugitive until June 20. Although many of the Highlanders, for religious or other reasons, did not support the prince, and although some had fought against him at Culloden, not a single one of a people notoriously poor ventured to betray him for the enormous reward. The Long Island swarmed with troops sent to capture him<sup>17</sup> and some nine ships of war guarded the waters to prevent his escape.<sup>18</sup> On June 21 his friend Captain O'Neill appealed to Flora Macdonald for help.<sup>19</sup>

It is impossible to tell, from existing sources, how the plan to save the prince originated, whether it was Flora herself who developed the scheme and executed it, or whether members of her family suggested it. Her desire to protect them led her to assume all the responsibility. The family was silent on the subject, and the testimony of others is conflicting.

Undoubtedly Flora was selected for the dangerous enterprise because of a combination of circumstances, rather than for personal qualifications, although it was her courage, dignity, and persistence which made her success possible. The problem was to smuggle the prince out of the Long Island, where he was known to be hiding, across the water to Skye, where he would have easier access to the mainland and to the much-hoped-for French ships.

Flora Macdonald was at the time with her brother in Milton, South Uist, while her mother was in Skye. Her step-

<sup>14</sup> Forbes, *Lyon*, I, 205, 289.

<sup>15</sup> Forbes, *Lyon*, I, 206, 351-352.

<sup>16</sup> *London Gazette*, Aug. 3, 1745. *The Scots Magazine* (Edinburgh), VII, 396 (Aug. 5, 1745), announced the proclamation of a reward of 30,000 pounds to any person who would seize and secure the eldest son of the pretender in case he should land or attempt to land in any of his Majesty's dominions.

<sup>17</sup> Forbes, *Lyon*, I, 328.

<sup>18</sup> *Scots Magazine*, VIII, 239 (May 14, 1746).

<sup>19</sup> Forbes, *Lyon*, I, 196, 296.



father was on duty in the Long Island with one of the companies looking for the prince. This insured his absence from Skye, and his inability to control the behavior of his wife. It also meant that he might be in a position to aid his step-daughter's scheme in secret.<sup>20</sup> Sir Alexander Macdonald of Sleat was also away from home, and therefore unlikely to be accused of participation in the plot, while his wife, Lady Margaret, an ardent Jacobite, was at home in Skye, and available for help. It was most natural that Flora should decide to go home to her mother in Skye, especially in view of the annoyances caused in the Long Island by the presence of the militia. And a person of her rank could expect to travel with servants.

On June 21 Flora Macdonald was at her brother's "sheil-ing," a temporary shelter or one-story house in the hills near Loch Eynort, where the cattle were pastured.<sup>21</sup> There she received Captain O'Neill and Prince Charles Edward, and after some hesitation, presumably because of danger to her relatives,<sup>22</sup> she agreed to conduct the prince out of the Long Island to Skye, and to send word to him later about final arrangements.<sup>23</sup> The prince and Captain O'Neill then returned to their hiding-place.

The rendezvous was to be at Roshinish on the northeast tip of the island of Benbecula. There were serious difficulties both for Flora and the prince. The fords were guarded, so the prince, Captain O'Neill, and their guide, Neil MacKechan, borrowed a boat and went over to Benbecula by water, and then walked to the northern part of the island. They were delayed in entering Roshinish by the presence of the militia, but they finally arrived, late on June 24, and waited for Flora Macdonald.<sup>24</sup>

Flora was also delayed. She had set out for Nunton, the estate of the Clanranald Macdonalds in Benbecula, where she expected to complete her arrangements for the journey, but she had no passport, and was arrested as she attempted to cross the fords. She found in command none other than her step-father, who provided her with a passport and a letter for her mother.<sup>25</sup> These documents were of the great-

<sup>20</sup> Neil MacKechan, Flora's escort, says that Hugh Macdonald actually originated the plan. See Forbes, *Lyon*, I, 176; Blaikie, *Origins*, pp. 249-50.

<sup>21</sup> Blaikie, *Origins*, pp. 250-51 and 251, note 2.

<sup>22</sup> Forbes, *Lyon*, I, 106.

<sup>23</sup> Forbes, *Lyon*, I, 106, 371.

<sup>24</sup> Blaikie, *Origins*, p. 253; Forbes, *Lyon*, I, 107.

<sup>25</sup> Blaikie, *Origins*, p. 252; Forbes, *Lyon*, I, 297.



est importance. The letter read as follows,<sup>26</sup> "I have sent your daughter from this country lest she should be anyway frightened by the troops lying here. She has got one Betty Burk, an Irish girl, who as she tells me is a good spinster. If her spinning pleases you, you may keep her till she spin all your lint; or if you have any wool to spin you may employ her." It is scarcely possible that Hugh Macdonald did not know that Betty Burk was the prince. He must have been a party to the plot.

Flora proceeded to Lady Clanranald's house at Nunton and there the Betty Burk costume was prepared. On June 27 the Clanranald ladies, Flora, and her brother had dinner with the prince, but the whole party had to flee across Lake Uskavagh in the middle of the meal, when the approach of the militia was announced.<sup>27</sup> Then Lady Clanranald returned hastily to Nunton, to answer the officers who were searching the place and demanding her presence. After her departure the prince donned his costume, in which he behaved very awkwardly, and waited with Flora and Neil MacKechan for nightfall,<sup>28</sup> Captain O'Neill was obliged to leave them. Flora refused to include him in the party, because his foreign appearance<sup>29</sup> and lack of knowledge of Gaelic would increase the danger for the others.<sup>30</sup> Furthermore, he had not been mentioned in the passport. The party sailed for Skye at eight that night, June 28, 1746.<sup>31</sup> In addition to the prince, Flora, and her attendant, Neil MacKechan, there were four boatmen, all of whom came from the Long Island.<sup>32</sup>

They found themselves off the island of Skye early in the morning, but upon reaching Waternish,<sup>33</sup> where they had planned to disembark on familiar ground,<sup>34</sup> they discovered the landing place occupied by the military forces, and had to row away quickly to a beach near Monkstadt, the estate of Sir Alexander Macdonald of Sleat. Lady Margaret had prepared for the prince's arrival, but there were complications due to the delay and change of landing place. Flora

<sup>26</sup> Forbes, *Lyon*, II, 32; Macdonald, *Truth*, p. 25, note 17, points out that the text must have been taken from a copy, as the original was destroyed. It may, of course, have been written down from memory.

<sup>27</sup> Forbes, *Lyon*, I, 297, 372; Blaikie, *Origins*, pp. 259, 260.

<sup>28</sup> Forbes, *Lyon*, I, 298, 329; Blaikie, *Origins*, p. 260.

<sup>29</sup> O'Neill was an Irishman who had lived for a long time in France.

<sup>30</sup> Blaikie, *Origins*, p. 260.

<sup>31</sup> Forbes, *Lyon*, I, 299; Blaikie, *Origins*, 329.

<sup>32</sup> Blaikie, *Origins*, p. 231.

<sup>33</sup> Forbes, *Lyon*, I, 299.

<sup>34</sup> Forbes, *Lyon*, I, 299-300; Blaikie, *Itinerary of Prince Charles Edward* (Scottish History Society, Edinburgh, 1897, Vol. XXIII, supplement to Forbes, *Lyon*), pp. 53, 54.



therefore left the prince at the boat, and went on to see Lady Margaret herself. They sent a message to the prince, for the soldiers were in the neighborhood, and Alexander Macdonald of Kingsburgh, a relative, and factor for the Macdonalds of Sleat, went to meet the prince and took supplies to him.<sup>35</sup> He then walked on with the prince to Kingsburgh House, to avoid detection by officers searching Monkstadt at that very moment.<sup>36</sup> As soon as they could leave, Flora and Lady Margaret rode to Kingsburgh, but avoided joining the prince on the way lest their servants suspect the identity of the strange-looking maid.<sup>37</sup>

The next morning Flora, Kingsburgh, and the prince went on to Portree. The prince changed into Highland dress in a wood along the road, in order to leave Kingsburgh publicly in the costume in which he had arrived.<sup>38</sup> They spent two hours at the Inn at Portree, while the prince dried his drenched clothing, had some food, and waited for the boat which Kingsburgh was preparing for him.<sup>39</sup>

Flora left the prince at Portree, and went to her mother's house at Armadale. Although she kept her secret well,<sup>40</sup> the news leaked out, perhaps through the boatmen who returned to the Long Island. It was only a matter of a week or ten days before she was taken prisoner by a party of soldiers sent to her mother's house for that purpose.<sup>41</sup> She was taken on board the *Furnace*,<sup>42</sup> in the command of the notorious Captain Ferguson,<sup>43</sup> but she suffered no indignities, thanks to the orders of General Campbell, who commanded that she be treated with great respect.<sup>44</sup> It was due to his order that she was permitted to go ashore near Armadale and visit her mother for several hours, subject to the condition that she be guarded constantly and speak no Gaelic.<sup>45</sup> She was allowed to bring back with her a maid named Kate Macdonald,<sup>46</sup> who went on with her to London. While at Leith,

<sup>35</sup> Forbes, *Lyon*, I, 300.

<sup>36</sup> Forbes, *Lyon*, I, 300-301.

<sup>37</sup> Forbes, *Lyon*, I, 302.

<sup>38</sup> Forbes, *Lyon*, I, 76, 302.

<sup>39</sup> Forbes, *Lyon*, I, 130, 302; II, 21-26.

<sup>40</sup> Forbes, *Lyon*, I, 114, 115.

<sup>41</sup> Macdonald, *Truth*, pp. 55, 57 note 5A says that this happened on July 12. He refers to the Loyalist Papers in the Public Record Office, London.

<sup>42</sup> Forbes, *Lyon*, I, 303.

<sup>43</sup> Captain John Ferguson, R. N., employed in hunting down Jacobites. He treated his prisoners very cruelly as a rule, and tales of this were repeated by Captain O'Neill, who was also a prisoner on board the *Furnace*. His name is said to have been remembered in the navy as that of the "Black Captain." See Forbes, *Lyon*, I, 374; Seton and Arnot, *Prisoners of the '45* (Scottish History Society, 3rd series, Vol. XIII, Edinburgh, 1928), I, 254.

<sup>44</sup> Forbes, *Lyon*, I, 303; Seton and Arnot, *Prisoners*, I, 255. This refers to Major-General John Campbell, later Duke of Argyll.

<sup>45</sup> Forbes, *Lyon*, I, 112, 116, 303; Seton and Arnot, *Prisoners*, I, 255.

<sup>46</sup> Forbes, *Lyon*, I, 115.



she was transferred to the *Eltham*, under a more genial commander. During the time when the ship was riding at anchor in Leith Roads, she was the center of much attention and hysterical gushing on the part of aristocratic Edinburgh ladies who visited her and expressed their envy.<sup>47</sup> On November 28, 1746, Flora Macdonald was put on board the *Royal Sovereign* and taken to London.<sup>48</sup>

The prince went from Portree to the island of Raasa, to the west of Skye, on July 1. He took refuge there, and later at Borradaile on the mainland, still under the protection of the Clan Macdonald.<sup>49</sup> Then, after weeks of wandering about, he returned to Borradaile, embarked with many of his followers on a French ship, and sailed for France on September 20.<sup>50</sup> Flora never saw the prince again,<sup>51</sup> nor did she or any other Islanders ever have any message from him, despite his apparent admiration and appreciation expressed so frequently during the episode of his escape.

Flora Macdonald arrived at the Tower of London on December 6, 1746,<sup>52</sup> but was shortly transferred to the custody of a King's Messenger,<sup>53</sup> a certain Dick, who also had in his charge a number of men involved in the conspiracy in favor of the Pretender.<sup>54</sup> Prisoners must have been allowed a great deal of liberty at Dick's house, for they received visitors, and on one occasion we hear that another of the Macdonald prisoners "was concerting a jaunt to Windsor with Miss Flora Macdonald."<sup>55</sup>

Life in London must have been for Flora a repetition on a larger scale of what had happened at Leith, and family traditions tell of her great popularity there. Frederick, Prince of Wales, and Anne, Dowager Viscountess Primrose,<sup>56</sup> were

<sup>47</sup> Forbes, *Lyon*, I, 111, 112, 115, 116.

<sup>48</sup> Forbes, *Lyon*, I, 305; Seton and Arnot, *Prisoners*, I, 255. It is not clear whether she was finally sent to London in the *Eltham* or the *Royal Sovereign*.

<sup>49</sup> Forbes, *Lyon*, I, 302, 333; II, 252; III, 188.

<sup>50</sup> Forbes, *Lyon*, I, 319; III, 52; Blaikie, *Itinerary*, pp. 54-70.

<sup>51</sup> Macdonald, *Truth*, p. 50; There are tales to the effect that Flora later saw the prince at the home of Lady Primrose in London. Flora left Lady Primrose's house in July, 1747 (see note 59, page 243), and may have visited her again in June, 1749 (see note 65, page 243). She was in Scotland in March, 1750 and was married there in November, 1750 (see notes 66-68, p. 243). The prince is now known to have visited London secretly, and to have seen Lady Primrose in September, 1750. Cf. *The Jacobite Movement* (London, 1932) pp. 229-232; William King, *Political and Literary Anecdotes of his own time* (London, 1818), pp. 196-199; Mahon, *History of England* (3rd edition, London, 1853), IV, 7-9. Flora was thus in Scotland during the only visit of the prince to London.

<sup>52</sup> Macdonald, *Truth*, p. 61.

<sup>53</sup> Many of the leaders of the '45 were sent to London, to different prisons according to their social position. Some of these were later removed to the custody of one of the King's Messengers, court officials employed to move prisoners and witnesses from one place to another. They often kept prisoners in their own houses, and were frequently extortionate. This was less true of Dick than of others. See Seton and Arnot, *Prisoners*, I, 12, 92, 93.

<sup>54</sup> Macdonald, *Truth*, p. 61.

<sup>55</sup> Forbes, *Lyon*, I, 283.

<sup>56</sup> Anne, Dowager Viscountess Primrose, widow of Hew, Third Viscount Primrose, daughter of the Dean of Armagh and Mrs. Drelincourt. Both mother and daughter were friends of Flora Macdonald.



much interested in her, and a purse of £1,500 was raised for her by Lady Primrose and other Jacobite ladies.<sup>57</sup> Flora Macdonald was liberated early in July, 1747, probably in accordance with the Act of Indemnity of that year, although it was believed at the time that the Prince of Wales had successfully interceded in her behalf.<sup>58</sup>

She returned to Scotland by post-chaise, arriving in Edinburgh on Sunday, August 2, 1747.<sup>59</sup> She apparently remained there for some time and studied under a Jacobite schoolmaster named David Beatt, who wrote to a friend in September of that year that "Miss Flory Macdonald,<sup>60</sup> who waited five weeks for my return to town, and who needs very much to be advanced in her writing, confines me to daily attendance and must do so till she is brought some length in it."<sup>61</sup> This implies, of course, that Flora's early education had been very poor.

Flora visited her mother in Skye in July, 1748.<sup>62</sup> She was expected back in Edinburgh during July,<sup>63</sup> but apparently did not come. A letter to Dr. Burton from somewhere in the Western Isles speaks of a plan to visit him in September on her way to London.<sup>64</sup> Actually she did not carry out her plan until she returned from London, and stopped for two days, about November 5. She was again in London in May or June, 1749,<sup>65</sup> and in Edinburgh on March 31, 1750, when she had an interview with Bishop Forbes.<sup>66</sup> She must have gone to Skye after that, perhaps because of deaths in the family, for the Bishop wrote her there on July 11, 1750, extending condolences on the death of two "hopeful youths."<sup>67</sup> doubtless her half brothers. On November 6, 1750, Flora married Allan, eldest son of Alexander Macdonald of Kingsburgh, at Armadale,<sup>68</sup> a distant cousin.

<sup>57</sup> Alexander MacGregor, *Life of Flora Macdonald* (Stirling, 1901), pp. 149-50. Among the MSS. of Alfred Morrison, Esq., is a receipt given by Lady Primrose to some merchants for twenty pounds donated to the fund she was raising for Flora Macdonald. See Historical Manuscripts Commission, *Ninth Report*, Appendix, p. 478.

<sup>58</sup> Forbes, *Lyon*, I, 146; P. Mahon, *History of England*, III, 315.

<sup>59</sup> Forbes, *Lyon*, I, 144-145.

<sup>60</sup> Her usual signature.

<sup>61</sup> W. Forbes Gray in the *Scotsman*, Jan. 6, 1917. This may be the basis of the rumor that Flora had been in a boarding-school in Edinburgh as a child. Incidentally it was during this stay in Edinburgh that "Dr. Burton of York" took the testimony about her experiences with the prince "from the mouth of Miss Flora Macdonald," for the use of Bishop Forbes. See Forbes, *Lyon*, I, 152, 296-303; II, 17, 44, 46.

<sup>62</sup> Forbes, *Lyon*, II, 180. I find no contemporary evidence concerning the entertainments said by MacGregor (*Life*, pp. 155-156) to have been given for Flora Macdonald in Skye, nor anything about her supposed illness while there. If she was ill, this may have accounted for the delay in her journey.

<sup>63</sup> Forbes, *Lyon*, II, 66, 180.

<sup>64</sup> Forbes, *Lyon*, II, 321 and note.

<sup>65</sup> Forbes, *Lyon*, II, 324.

<sup>66</sup> Forbes, *Lyon*, III, 21.

<sup>67</sup> Forbes, *Lyon*, III, 62.

<sup>68</sup> *Scots Magazine*, XII, 550 (November, 1750).



Despite MacGregor's description of elaborate festivities,<sup>69</sup> the wedding must have been a quiet one, as the family were in mourning. The bride wore a black silk dress,<sup>70</sup> not the Stuart tartan supposedly supplied by London friends.<sup>71</sup> Her close friends were not invited to the ceremony,<sup>72</sup> and the marriage contract was not drawn up until December 3, almost a month after the marriage was announced.<sup>73</sup>

Flora's husband was the son of Sir Alexander Macdonald's factor. It was perhaps for this reason that Sir Alexander had paid for his education in Edinburgh.<sup>74</sup> Allan Macdonald had served as lieutenant in an independent company of Highlanders in 1745 and 1746.<sup>75</sup> Lady Margaret, Sir Alexander's wife, tried afterwards to get him a commission in one of the regiments raised for service in Holland,<sup>76</sup> but it is unlikely that he ever served on the continent.<sup>77</sup>

Flora and Allan Macdonald seem to have lived with Allan's father at Kingsburgh until April, 1751, when the estate of Flodigarry became vacant, and Allan became Tacksman of Flodigarry.<sup>78</sup> The necessary money for this purpose was perhaps supplied by Lady Primrose,<sup>79</sup> Flora's London friend and patroness.

In 1757, upon the retirement of his father because of infirmities, Allan became factor for Sir Alexander Macdonald,<sup>80</sup> and when his mother died in 1759<sup>81</sup> he moved his family back to Kingsburgh.<sup>82</sup> He proved unsuccessful as factor and lost that office, after repeated failures to run the estate without incurring heavy debts, which he had to assume personally.<sup>83</sup> Nothing remained for him except his debts and his father's Tack of Kingsburgh, which he in-

<sup>69</sup> MacGregor, (*Life*, p. 159) is mistaken as to the place of marriage. The *Scots Magazine* and the marriage contract both say it took place at Armadale.

<sup>70</sup> If the one preserved by her family as her wedding-dress is authentic. See Macdonald, *Truth*, p. 79, note 6.

<sup>71</sup> MacGregor, *Life*, p. 159; J. P. Maclean, *Flora Macdonald in America*, p. 22.

<sup>72</sup> Forbes, *Lyon*, III, 81.

<sup>73</sup> The contract is at Abbotsford, Melrose. It is transcribed in full in Macdonald, *Truth*, pp. 123-126.

<sup>74</sup> Macdonald, *Truth*, p. 79, note 8.

<sup>75</sup> Loyalist Papers, A. O. Class 13, Bundle 122, Public Record Office, London. I consulted a transcript of this MS. in the archives of the North Carolina Historical Commission, Raleigh.

<sup>76</sup> Macdonald, *Truth*, p. 79, note 12.

<sup>77</sup> There is no evidence among family papers that he did. See Macdonald, *Truth*, p. 76. *The Papers of the Scots Brigade in the Service of the United Netherlands* (ed. James Ferguson, Scottish History Society, 3 vols., Edinburgh, 1899-1901) do not contain his name. None of these records are complete. Most important is the fact that Allan Macdonald did not mention service in Holland among the details of his military career submitted with his claim for compensation. See Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of the North Carolina Historical Commission, Raleigh).

<sup>78</sup> Tacksmen were gentlemen upper-tenants, who leased estates or "tacks" and sub-let them to lower tenants.

<sup>79</sup> Macdonald, *Truth*, p. 72, note 23, and p. 107, Appendix, II, 1 (letter of Flora Macdonald, April 23, 1751).

<sup>80</sup> Macdonald, *Truth*, p. 76.

<sup>81</sup> *Scots Magazine*, XX, 159 (March, 1759).

<sup>82</sup> Macdonald, *Truth*, p. 76.

<sup>83</sup> Macdonald, *Truth*, p. 77, and pp. 107-109, Appendix, II, 2.



herited upon the death of the elder Macdonald in 1772.<sup>84</sup> Difficulties multiplied when the rents were raised on the renewal of the lease. Allan and Flora Macdonald thereupon decided to abandon the Tack of Kingsburgh, and go to America,<sup>85</sup> where many friends and relatives had already settled in North Carolina.<sup>86</sup>

Before their departure Flora and Allan Macdonald received, on September 12, 1773, two very distinguished visitors, Dr. Johnson and his friend Boswell. The visit was not a casual one. Boswell offended one of his Scottish friends by saying that his "only errand in Sky was to visit the Pretender's Conductress" and that he "deemed every moment lost which was not spent in her company."<sup>87</sup> Boswell described his visit and his hosts in glowing terms. "Kingsburgh was completely the figure of a gallant Highlander. . . . He had his Tartan plaid thrown about him, a large blue bonnet with a knot of black ribband like a cockade . . . he had jet black hair tied behind, and was a large stately man, with a steady, sensitive countenance. . . . She is a little woman of genteel appearance, and uncommonly mild and well-bred. . . ."<sup>88</sup>

Johnson and Boswell slept in the room which the Pretender had occupied, with its poster-beds with tartan curtains, Johnson having the historic bed and linen used by the Pretender.<sup>89</sup> In the morning Johnson left on the table a slip of paper with the words, *Quantum cedat virtutibus aureum*, which Boswell translated "With virtue weighed, what worthless trash is gold."<sup>90</sup>

During the visit the subject of emigration was mentioned, and Boswell's record of the conversation throws light on the conditions which caused the wholesale departure of many Scots for America:

Dr. Johnson said that "a rapacious chief could make a wilderness of his estate." Mr. Donald McQueen told us, that the oppression, which then made so much noise, was owing to the landlords listening

<sup>84</sup> Forbes, *Lyon*, III, 262; *Scots Magazine*, XXXIV, 111 (February, 1772).

<sup>85</sup> Macdonald, *Truth*, pp. 110-111 (letter of Flora Macdonald, Apr. 23, 1774).

<sup>86</sup> Macdonald (*Truth*, p. 80, note 20) states that Flora's mother and step-father were among the relatives already settled in North Carolina. I find no evidence that they ever came. One Hugh Macdonald had applied for a land-grant several years before, and had planned to emigrate, but the British government had refused permission, explaining that the emigration from the Highlands was becoming disastrous, and that it must be stopped. The government expected to substitute "foreign Protestants" as colonists. See *Colonial Records of North Carolina*, VIII, 620-22; IX, 303-304.

<sup>87</sup> *Private papers of James Boswell from Malahide Castle* (Oxford University Press, 1937), XIV, 234.

<sup>88</sup> Boswell, *Journal of a Tour to the Hebrides with Samuel Johnson LLD.* (Oxford University Press, 1934), pp. 279-80.

<sup>89</sup> Boswell, *Journal*, pp. 280-281.

<sup>90</sup> Boswell, *Journal*, p. 281.



to bad advice in the letting of their lands; that interested and designing people flattered them with golden dreams of much higher rents than could reasonably be paid; and that some gentlemen *tacksmen*, or upper tenants, were themselves in part the occasion of the mischief, by over-rating the farms of others. That many of the *tacksmen*, rather than comply with exorbitant demands, had gone off to America, and impoverished the country by draining it of its wealth, and that their places were filled by a number of poor people, who had lived under them, properly speaking, as servants, paid by a certain proportion of the produce of the lands, although called sub-tenants.<sup>91</sup>

Allan and Flora Macdonald sailed in the summer of 1774,<sup>92</sup> tradition says in the *Baljol*, from Campbelltown, Kintyre, Scotland, for Wilmington, N. C., arriving in August. They took with them their eldest daughter, Anne, and her husband, Alexander McLeod, two sons, Alexander and James, and probably eight indentured servants, five men and three women.<sup>93</sup> They went first to Cross Creek, now Fayetteville, but six months later they moved to Mount Pleasant, now Cameron's Hill, and finally settled in Anson County, in that part which is now Richmond County, at a place which they named Killigray.<sup>94</sup>

The estate included two plantations, one of four hundred seventy-five acres, and one of fifty. The larger had seventy acres cleared, with a "house, barn, keeping house, kitchen, stable, and crib for holding Indian corn," and a "grist-mill, the income of which kept the whole family in bread." On the small plantation thirty acres were cleared, these being devoted largely to "orchards of peach, apple and other fruits." On the small plantation there were farmhouses, a barn, and a crib.<sup>95</sup>

The happiness of the Macdonalds in their new home was very brief. With the outbreak of the American Revolution, the large body of Highlanders settled in North Carolina were sadly torn between their traditional loyalty to their old homeland and their newly established ties in America. In the "old country," the Highlanders were staunch supporters of

<sup>91</sup> Boswell, *Journal*, pp. 295-296.

<sup>92</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>93</sup> In the report filed with his claim (see note 92, above, Allan Macdonald said he had eight indentured servants when the war broke out. It is not certain that they came from Scotland with him. They may have been acquired in America after he arrived.

<sup>94</sup> Macdonald, *Truth*, p. 86. The place was apparently named for the island of Killigray or Calligray in the Outer Hebrides, in the Sound of Harris, a small island two miles long and a mile wide. There seems to be no documentary evidence that Allan gave his estate this name, but local tradition has preserved it for years without connecting the name with any place outside North Carolina. The only possibility of error is that the place now known as Killiegrey may have been the home of some other emigrant now forgotten and not that of the Macdonald family which is still prominent in local tradition.

<sup>95</sup> This description is taken from Allan Macdonald's itemized statement filed with his claim. See note 92, above.



the Crown throughout the Revolution. On this side of the Atlantic they allied themselves, for the most part, with the Loyalists.<sup>96</sup>

On June 30, 1775, Governor Martin of North Carolina wrote to the Earl of Dartmouth recommending that Allan Macdonald of Kingsburgh be made a major in His Majesty's forces, and his son-in-law, Alexander MacLeod, a captain,<sup>97</sup> "who besides being men of great worth and good character have most extensive influence over the Highlanders here, great part of which are of their own names and families."<sup>98</sup> This letter probably resulted from a visit Allan Macdonald made "to settle [his] plan of rising Highlanders with Governor Martin."<sup>99</sup> On July 3 of the same year the committee of Safety at Wilmington evidently got wind of this scheme, for they ordered their chairman to investigate the question of Allan Macdonald's allegiance.<sup>100</sup> And on January of the following year, when the orders to raise the King's standard in North Carolina arrived, the first name on the list of those addressed was that of Allan Macdonald, while the third was that of Alexander MacLeod, his son-in-law.<sup>101</sup>

On February 27 the Highland Emigrant Volunteers, numbering about fifteen hundred, attacked at Moore's Creek Bridge, north of Wilmington, which they had to take, they thought, in order to get through to Wilmington to join the other British forces. The battle ended in complete disaster for the Scots, and many of their officers were taken prisoner, including Allan Macdonald and his son Alexander.<sup>102</sup> The younger son, James, who also took part, as an officer,<sup>103</sup> escaped capture and resided for a time at Killigray with his mother. A great many supplies were taken, "350 guns and shot-bags; about 140 swords and dirks, 1500 excellent rifles; two medicine chests fresh from England, one of them valued at 300 pounds sterling; a box containing half Joanes and Guineas . . . also thirteen wagons with complete sets of horses, 850 common Soldiers were made prisoners. . . ."<sup>104</sup>

<sup>96</sup> J. P. Maclean, *An Historical Account of the Settlements of Scotch Highlanders in America* (Cleveland and Glasgow, 1900), chapters XIV and XV.

<sup>97</sup> The commissions were reversed, perhaps because of previous military experience. MacLeod became a major, Macdonald a captain.

<sup>98</sup> *Colonial Records*, X, 47.

<sup>99</sup> Loyalist Papers, A. O. Class 13, Bundle 87 (transcript in archives of North Carolina Historical Commission, Raleigh). Allan Macdonald included a bill for £28, expenses for this trip.

<sup>100</sup> *Colonial Records*, X, 65.

<sup>101</sup> *Colonial Records*, X, 441. The second name was that of Donald Macdonald, a cousin of Allan, who has often been confused with him by later writers.

<sup>102</sup> *Colonial Records*, X, 486.

<sup>103</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>104</sup> *Colonial Records*, X, 485-86.



Allan Macdonald reported that he had been "stript of his whole property, including his clothes."<sup>105</sup> He itemized his losses as follows:<sup>106</sup>

14 days from home to settle plan of rising Highlanders with Gov. Morton.....	£28.
Value of 9 stand of arms £3.10.0 each.....	31
Silver mounted rifle.....	9.9
Caleb Tulishton's rifle.....	£ 7.
Rum for use of Highlanders on expedition.....	7.10
5 horses taken from self and two sons.....	85.10
Family and servant's arms.....	42.9.6
Sons' baggage, saddles, etc.....	58.
Expenses to meetings with Regulators and Highlanders	11.15.1

The officers were sent to the jail at Halifax, North Carolina.<sup>107</sup> According to the report, Allan Macdonald and his son Alexander were among those imprisoned there, but Flora Macdonald later wrote, and there is evidence to support her statement, that Allan and his son were taken from jail to jail until they were finally lodged in Philadelphia. They were later moved to Reading. Allan was probably in Philadelphia on March 25, 1776, and may not have gone to Halifax at all. On that date he protested to the Continental Congress, saying that he had been "selected" with five others by General Schuyler.<sup>108</sup> An explanation is to be found in a report to the Continental Congress from the North Carolina Committee of Secrecy, War, and Intelligence:

... we have thought it expedient to send the prisoners taken during the late Commotions, some to Maryland, some to Virginia, and some to Philadelphia for the immediate disposition of the Continental Congress. These last are such as appear to us from their rank and influence over an Ignorant and restless part of our Inhabitants to be capable of doing us the most mischief.<sup>109</sup>

On April 9 Congress sent a message to General Schuyler to ask whether he was willing to have Allan Macdonald go home on parole.<sup>110</sup> But on April 11 he seems to have been returned to the jurisdiction of the Provincial Congress of

<sup>105</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>106</sup> Loyalist Papers, A. O. Class 13, Bundle 87 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>107</sup> *Colonial Records*, X, 486.

<sup>108</sup> Clarke and Force, *American Archives*, 4th series, V, 496.

<sup>109</sup> *Colonial Records*, XI, 293. The date of this report was April 22, 1776, much later than the event itself.

<sup>110</sup> *American Archives*, 4th series, V, 1662.



North Carolina, which ordered that he be placed on parole in Halifax, N. C., "in consideration of the candor of Allan Macdonald and his being in a low state of health." He was not to leave Halifax, nor communicate with "enemies," and must report each day to the officer of the guard.<sup>111</sup> There must have been a lack of cooperation between the Provincial Congress and Philadelphia, for on April 22 the North Carolina Congress forwarded to Philadelphia the order assigning him to that city.<sup>112</sup> Allan Macdonald, in a letter from Petersburg, Va., of May 2, 1776, complained of confusion of orders<sup>113</sup> so he must have started south, and then turned north again, for he was in Philadelphia on May 19.<sup>114</sup> On June 28 he was ordered released from the jail in Philadelphia and paroled to Reading, Pennsylvania, was sent there on July 8, and was followed shortly by his son Alexander.<sup>115</sup>

On November 22, 1776, he protested to the Continental Congress because he and his son were the only North Carolina prisoners at Reading for whom exchanges were not being arranged.<sup>116</sup> On December 10 he and several other officers received pay allowances from the Continental Congress.<sup>117</sup>

Finally Allan Macdonald was permitted to go to New York on parole to negotiate his own exchange and that of his son.<sup>118</sup> He succeeded some time in August, 1777.<sup>119</sup> On October 18, and again on December 3, a cousin wrote him from Halifax, Nova Scotia,<sup>120</sup> congratulating him on his release and that of his son and speaking of Allan's new commission as commander of a company of Provincials.<sup>121</sup> He

<sup>111</sup> *Colonial Records*, X, 509; *American Archives*, 4th series, V, 1320-21.

<sup>112</sup> See note 109, page 248.

<sup>113</sup> *American Archives*, 4th series, VI, 505-506.

<sup>114</sup> *State Records*, XI, 295-96. He also complained about being deprived of his horse, and of the prospect of having to go about Philadelphia on foot. I have examined all available documents in the hope of settling the question of Allan Macdonald's itinerary, for it seemed possible that the apparent confusion might have been due to the existence of two men of that name. This last possibility has been eliminated, as Allan Macdonald was referred to as "of Kingsburgh" sufficiently often to make his identity certain. The only other possibility is that there may have been an error in the name of the place from which his letter of March 25, 1776, was sent. If the letter was simply presented to Congress in Philadelphia, and in reality written in Halifax, N. C., this would agree with the implication in Allan Macdonald's report in the Public Record Office (see note 75, page 244) that he had been in several prisons before he finally landed in Philadelphia. There is no evidence within the letter itself that such an error had been made.

<sup>115</sup> *American Archives*, 5th series, I, 1291, 1570, 1578.

<sup>116</sup> *American Archives*, 5th series, III, 811.

<sup>117</sup> *American Archives*, 5th series, III, 1600.

<sup>118</sup> *State Records*, XI, 766.

<sup>119</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>120</sup> *Letter-Book of Captain Alexander McDonald of the Royal Highland Emigrants, 1775-1779* (Collections of the New York Historical Society, 1882), pp. 377-78, 387-88.

<sup>121</sup> Allan Macdonald said this was a company of "100 gentlemen volunteers from North Carolina, then in New York." (Loyalist Papers, see note 75, page 244). A Letter of Flora Macdonald dated Oct. 21, 1789, has been recently acquired by the National Library of Scotland. Its contents have been communicated by the librarian, Dr. Henry Meikle, and have been published in the *Scotsman*, Nov. 29, 1938. This letter tells of the commissions of Allan and Alexander Macdonald, and of Flora's experiences after they left her to go to Moore's Creek.



and his son Alexander served in New York with this company until October, 1778. Then they were sent to Nova Scotia to join the Eighty-fourth Regiment of Highlanders<sup>122</sup> and remained there until October, 1783, when the regiment was disbanded and the officers were put on half pay.<sup>123</sup>

Meantime his wife and children saw trying days. Allan Macdonald told the Committee of Safety in Philadelphia<sup>124</sup> that General Schuyler had led them to believe that provision would be made for the families of those who were taken as hostages, but that nothing had been done and that his own family was in great need. Flora is said to have been turned out of Killigray and to have seen it plundered and burned before her very eyes.<sup>125</sup> On at least one occasion she was called before a provincial committee and questioned. Her behavior evidently impressed her friends, for the story reached her husband's cousin in Halifax, Nova Scotia, who wrote to her husband on December 31, 1777, "I am happy to hear of Mrs. Macdonald's Welfare & her Spirited behavior when brot before the Committee of Rascals in North Carolina. I don't doubt but she & the Other Gentlewomen there will be sorely oppressed by the Savage Cruelty of those wretches who at present has the Upper hand of them. . . ." Flora herself said that she had suffered much "misery and sickness" during this period. She had been repeatedly annoyed by "plunderers" and "robbers," and her servants grew insolent and deserted her. She had attacks of fever, and when she began to visit others after her recovery, she fell from her horse and broke her right arm. Her condition became very serious because she had no medical attention, and no one to look after her except her son.<sup>126</sup> In addition to these trials, Flora and her husband had continued financial worries, because of improvidence and the demands of some of their children.<sup>127</sup>

Before Allan Macdonald left New York for Halifax, steps had already been taken towards removing his wife and

<sup>122</sup> *Letter-Book*, pp. 388, 401, 402. See note 121, p. 249.

<sup>123</sup> *Loyalist Papers*. See notes 105 and 106, p. 248.

<sup>124</sup> *American Archives*, 4th series, VI, 505-506.

<sup>125</sup> We have no contemporary accounts of the confiscation of Allan Macdonald's property, except his statement of losses filed with his claim. See p. 248, notes 105 and 106. Henry Potter, *Laws of the State of North Carolina* (Raleigh, 1829), I, 384, gives the text of a law of November, 1777, confiscating property of Loyalists who were not restored to citizenship within the next year. There is a long list of specified individuals, including crown officers, but no mention of Allan Macdonald. He undoubtedly was included in the general group, although not mentioned by name.

There seems to be no documentary proof of the burning of the house. Stories to this effect appear in Macdonald, *Truth*, p. 87, and J. P. Maclean, *Flora Macdonald in North Carolina*, p. 79.

<sup>126</sup> *Letter-Book*, p. 387. See also Flora Macdonald's letter, Oct. 21, 1789, note 121, page 249.

<sup>127</sup> *Letter-Book*, pp. 389, 394.



daughter to New York or Halifax.<sup>128</sup> For this purpose Alexander McLeod arrived in Wilmington under a flag of truce on February 23, 1778,<sup>129</sup> and on March 7 Governor Caswell agreed "to grant leave to Major McLeod to carry out with his wife and son and Mrs. Macdonald and her four children with their indented Female servants."<sup>130</sup> There is obvious confusion in the order, for it was Mrs. Macdonald who had the son, and Mrs. MacLeod who had four children.<sup>131</sup> Flora spent some time in New York, until her husband's transfer to Halifax was ordered, some time prior to September, 1779.<sup>132</sup> From letters of a cousin it appears that both Flora and her daughter went to Halifax.<sup>133</sup> In Flora's letter there is an account of her own experiences.<sup>134</sup>

I was obliged, tho tender, to follow [to Halifax], and was very nigh deaths door, by a violent disorder the rough sea and long passage had brought on. At last landing in Halifax, were allowed to stay there for eight days on account of my tender state. The ninth day sett off for Windsor, on the Bay of Minas, throw woods and snow and arrived the fifth day. There we Continued all winter and spring, covered with frost and snow and almost starved with cold to death; it being one of the worst winters ever seen there, a detachment of the Regiment being there; and by one accidentall fall next summer dislocated the wrist of the other hand, and brock some tendons, which confined me for two months, altho I had the assistance of the regimental surgeon.

Flora crossed to London in the privateer *Lord Dunmore*, in October, 1779. Although there is no evidence that this ship actually engaged in battle during the crossing, tradition

<sup>128</sup> *Letter-Book*, p. 402.

<sup>129</sup> *North Carolina State Records*, XIII, 55, 57. Much has been made of the story that Flora Macdonald sailed from Charleston, South Carolina, and that she sold her silver in Wilmington in order to pay her passage to Scotland (see Maclean, *Flora Macdonald*, p. 15). The silver service in question has been preserved and was exhibited at the Jamestown Exposition as a gift of the Pretender to Flora Macdonald. In view of the fact that Prince Charles Edward seems never to have communicated with Flora after he left her at Portree, and in view of his own poverty, it is unlikely that he took any notice of Flora's marriage. The silver may have belonged to Flora Macdonald, but there is no documentary evidence that it did. Persons who possess it now say that it was bought by the Quince family of Wilmington some time before 1800, but they are uncertain as to details and dates. It seems likely that they purchased it at a confiscation sale, rather than from the Macdonald family direct. We know there was some silver among the items listed by Allan Macdonald in his claims for losses, and the silver service may have been what he meant. From Allan's claim, we know that Flora saved, altogether, goods to the value of forty pounds. We cannot prove that this did not include her silver. She would have had little reason for selling it hurriedly in Wilmington before her departure, however, since she could not have been obliged to raise money at that time. She had been sent for, and conducted out, under a flag of truce.

<sup>130</sup> *State Records*, XIII, 64-65.

<sup>131</sup> This is corroborated by Allan Macdonald's references in a letter to his son and daughter and four grandchildren. Maclean, *Flora Macdonald in America*, pp. 69-70. Letter of Allan Macdonald to Continental Congress, July 12, 1777. See also note 121, page 249.

<sup>132</sup> Flora referred to a person she had seen in Halifax in September, 1779. Cf. Macdonald, *Truth*, pp. 111-112 (letter of Flora Macdonald May 17, 1780).

<sup>133</sup> There are several references to Mrs. Macdonald and Mrs. Macleod in the *Letter-Book* for this period. (See pp. 455, 466, 469, 471, 482.) It is not clear whether all these references are to the family of Allan Macdonald. The writer of the *Letter-Book* had a sister-in-law, a Mrs. Macleod, who was his wife's sister, and could not possibly have been Flora Macdonald's daughter. The given names of the husbands are not mentioned, and it is therefore impossible to separate these two families in the text of the *Letter-Book*. Only on page 401 is it clear that the ladies from North Carolina are concerned, and this was before they left for Halifax.

<sup>134</sup> Letter of Oct. 21, 1789. See note 121, page 249.



relates that she prepared for action on one occasion when a sail was sighted. As the ladies were being hurried below, Flora slipped and fell down a hatch, and "brock the dislockated arm in two." She had to remain below with her arms in splints until the end of the voyage.<sup>135</sup>

She spent the winter in London "in very bad health,"<sup>136</sup> She then went on to Edinburgh, and planned to reach Inverness and Skye as quickly as possible since her physicians advised her "to make all possible speed to the highlands for the benefit of goat whey."<sup>137</sup> Flora seems to have had no permanent home for several years. She spent much of her time with her daughter, Ann MacLeod, who had returned from Halifax and reestablished herself at Dunvegan in Skye, and was there to receive her mother and younger sister when they came to stay with her in July, 1780.<sup>138</sup> Alexander MacLeod returned in 1781.<sup>139</sup>

Allan Macdonald was at Cape Breton Island and Halifax until late in 1783, when the officers of his regiment were retired. He then took up the grant of lands given to officers in Nova Scotia, and at Kennetcook he built himself "a neat hut and cleared a few acres," but soon stopped "for want of cash." He decided to go to London and present claims for compensation, so he sent one claim immediately, and followed as soon as possible to file another and press them.<sup>140</sup>

The two claims filed by Allan Macdonald are not identical in detail, but the total sums are about the same. The claim of damages to the amount of £1,341 included his two plantations, with the houses on them, together with farm equipment and animals, the unexpired terms of the eight indentured servants valued at £195, military expenses in connection with the Battle of Moore's Creek Bridge, £299.12.11, books, plate and furniture plundered by the enemy, £500, and a deduction of £40 for sundry articles saved by his wife.<sup>141</sup> Instead of £1,340 he received only £440, not

<sup>135</sup> Letter of Oct. 21, 1789. See note 121, page 249.

<sup>136</sup> Macdonald, *Truth*, pp. 111-112 (letter of Flora Macdonald May 17, 1780).

<sup>137</sup> Macdonald, *Truth*, p. 111. There is a curious note in Martin's description of Skye (Pinkerton, *Voyages and Travels*, III, 630) as follows: "whey, in which violets have been boiled is used as a cooling and refreshing drink for such as are ill of fevers." Flora probably suffered from malaria or some other recurring fever after her return from America. Her physician was "Doctor Munrow" (see her letter of Oct. 21, 1789, note 121, page 249). Probably Alexander Munro (secundus), 1733-1817, Professor of Surgery, Edinburgh University.

<sup>138</sup> Maclean, *Flora Macdonald in America*, pp. 80-81 (letter of Flora Macdonald, July 3, 1782).

<sup>139</sup> Loyalist Papers, A. O. Class 13, Bundles 87, 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>140</sup> Loyalist Papers, A. O. Class 13, Bundles 87, 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>141</sup> See note 140, above.



enough to carry out his plan<sup>142</sup> to return to Nova Scotia and develop his land grant, so he turned his steps northward to Scotland, and joined his wife in the Long Island.<sup>143</sup>

It is unlikely that there is any truth in the stories of Allan Macdonald's triumphant return to his old Tack of Kingsburgh.<sup>144</sup> This Tack was otherwise occupied during the period in question, according to family records, and it appears that Flora's half-sister lived there with her husband, the Tacksman, until his death in 1795.<sup>145</sup> Their son, Donald Macdonald, married the youngest daughter of Flora and Allan, and lived at Kingsburgh with his parents.<sup>146</sup>

There is some evidence that Allan and Flora occupied another Tack, that of Penduin, near Kingsburgh, perhaps having purchased it with the compensation money, or with the assistance of their son John, who sent them £100 from the East Indies in 1787, and assigned them a small income in addition.<sup>147</sup> This gift came to Flora as "Mrs. Macdonald, Late of Kingsburgh," as had some others previously—additional evidence that they no longer controlled Kingsburgh itself.

Flora and Allan spent their last years in ill-health and bitterness as a result of their many tragic experiences. Less than four months before her death Flora wrote:

The cast in both my arms are living monuments of my sufferings and distressis, and the long goal confinement which my husband underwent has brought on such disorders that he totally lost the use of his legs; so that I may fairly say we have both suffered in our person, family, and interest, as much if not more than any two going under the name of refugees or loyalists, without the smallest recompense.<sup>148</sup>

Flora Macdonald died at Skye, March 4, 1790,<sup>149</sup> and was buried with the Kingsburgh family at Kilmuir, Skye. Her husband followed her on September 2, 1792,<sup>150</sup> but he died "at Kingsburgh." He had probably gone there to live with his younger daughter and her husband. The memorial inscriptions to Flora Macdonald, both at her grave and in

<sup>142</sup> Loyalist Papers, see note 139, above.

<sup>143</sup> Loyalist Papers, quoted in Macdonald, *Truth*, p. 97.

<sup>144</sup> Macdonald, *Truth*, p. 97; Maclean, *Flora Macdonald in America*, p. 82.

<sup>145</sup> Macdonald, *Truth*, pp. 88, 101, note 25.

<sup>146</sup> Macdonald, *Truth*, p. 112.

<sup>147</sup> Macdonald, *Truth*, pp. 97, 112 (letter to Flora Macdonald from her son John, May 5, 1787).

<sup>148</sup> Letter of Oct. 21, 1789. See note 121, page 249, above. Flora seems to have overlooked the small compensation awarded them, possibly because it appeared so inadequate. Perhaps she was unaware that her husband had collected any compensation, but this is unlikely in view of her active participation in all family financial arrangements.

<sup>149</sup> *Scots Magazine*, XLII, 205 (March, 1790).

<sup>150</sup> *Scots Magazine*, XLIV, 518 (September, 1792).



the Episcopal Church at Portree, were placed there in the late nineteenth century, and contain several inaccuracies.<sup>151</sup>

Allan and Flora Macdonald had seven children who grew to maturity, some of whom seem to have been of great help to their parents while others were a source of many of their financial troubles. Flora had tried, through her friends in influential places, to provide for five of her children before she went to America.<sup>152</sup> Her youngest son, John, was taken in charge by her friends Mr. and Mrs. John Mackenzie of Delvine,<sup>153</sup> who sent him to the High School in Edinburgh. He was to become the most distinguished of her children. He entered the army, served as an engineer in India and Sumatra, and, alone of Flora's sons, contributed to the support of his parents in adversity, and provided his younger sister's dowry.<sup>154</sup> He died at Exeter in 1831 and is buried in the Cathedral.<sup>155</sup>

Charles, the eldest son, had been made an officer of the East India Company, through the good offices of Lady Margaret Macdonald, and with the help of Flora's old friend, the dowager Lady Primrose, who had paid for his passage and his outfit.<sup>156</sup> He did not remain with the East India Company. He was in Halifax as an officer of the British Army in January, 1778, and had become a source of great worry to his father, whose company he had apparently commanded while Allan Macdonald was in prison.<sup>157</sup> He borrowed money on his father's account and from his father's friends,<sup>158</sup> and tried to get the use of his father's small allowance from the British Army to buy himself a higher commission.<sup>159</sup> He became notorious for his drinking and extravagance, until Allan Macdonald's cousin warned him,<sup>160</sup> "Charles is a fine young fellow for whom I have the sincerest regard, but the income of a General Off<sup>r</sup> w<sup>d</sup> be rather small for him if he could get it, he is very Sensible & very Clever when Sober but rather unhappy when he is anyways disguised in Liquor but y<sup>r</sup> presence there might be

<sup>151</sup> Macdonald, *Truth*, pp. 98-100, 101, note 27.

<sup>152</sup> Her husband was apparently ashamed to make such appeals, for Flora repeatedly apologized for writing in his place. See her letters of August 12, 1772, and April 23, 1774, in Macdonald, *Truth*, pp. 109-111.

<sup>153</sup> Macdonald, *Truth*, pp. 109-110 (letter of Flora Macdonald, August 12, 1772).

<sup>154</sup> His letter to Flora of May 5, 1787, speaks of his work in the East Indies and of money he was sending her. (See Macdonald, *Truth*, p. 112.) John Macdonald was a prolific writer in the field of military engineering. He was famous as a maker of maps, and his maps of Sumatra and St. Helena are in the British Museum.

<sup>155</sup> Macdonald, *Truth*, p. 117.

<sup>156</sup> Macdonald, *Truth*, pp. 110-111 (letter of Flora Macdonald April 23, 1774).

<sup>157</sup> *Letter-Book*, p. 401.

<sup>158</sup> *Letter-Book*, p. 401.

<sup>159</sup> *Letter-Book*, p. 393.

<sup>160</sup> *Letter-Book*, p. 394.



the means of altering him & putting a Stop to it. . . . I have nothing to lay to his Charge but w<sup>t</sup> the Effects of Liquor is the Cause of and a propensity to Extravabance."

Ronald, the third son, was in the marines when Flora and Allan left for America. He, like his brother Charles, turned up in Halifax before 1778, and joined his brother in schemes to get money from their father,<sup>161</sup> although Ronald seems to have been less of a problem than his brother and lacking in his vices. Charles died in Scotland in 1795.<sup>162</sup> Ronald was lost at sea, having served under Rodney and Hood in the West Indies. He went down in the *Ville de Paris*, De Grasse's flagship, which foundered on the way back to England from Jamaica<sup>163</sup> after its capture in the Battle of the Saints.

Flora had appealed to the Duke of Athol on behalf of her second son, Alexander, as she did not wish to take him to America.<sup>164</sup> Her appeal was not successful, for he was in America with his parents, took part in the battle of Moore's Creek Bridge, and was taken prisoner and later paroled and exchanged with his father.<sup>165</sup> We have no account of him afterwards. In July, 1780, his mother was worried because she had no news of him, but she was still "hoping for the best."<sup>166</sup> In 1782 Flora said he was still "amissing," and she was beginning to believe he had been lost.<sup>167</sup> Allan reported that Alexander had been lost at sea, on his passage to England for his health, in the memorial addressed to the government in connection with his compensation claims in 1784, and Flora, in a letter written in 1789, told the same story.<sup>168</sup>

James, the fourth son, went to America with his parents. He took part with his father in the Battle of Moore's Creek Bridge, but escaped being taken prisoner.<sup>169</sup> He was a lieutenant in the British Legion in 1781,<sup>170</sup> apparently leaving North Carolina with his mother. He is supposed to have

<sup>161</sup> *Letter-Book*, p. 393.

<sup>162</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh); Macdonald, *Truth*, p. 113, says that he did not go down in the *Ville de Paris* since the ship did not sink. He said that Macdonald was in command of the ship at the time of the accident in 1782. Both statements are wrong. The *Ville de Paris* did sink, and its commander at the time was Captain George Wilkinson. See Clowes, *The Royal Navy*, IV, 88, 112. Flora believed that her son had gone down in the *Ville de Paris*. See her letter, note 121, page 249.

<sup>164</sup> Macdonald, *Truth*, pp. 110-111 (letter of Flora Macdonald, April 23, 1774).

<sup>165</sup> *State Records*, XI, 766; Loyalist Papers, A. O. Class, 13, Bundle 122 (transcripts in archives of North Carolina Historical Commission, Raleigh).

<sup>166</sup> Maclean, *Flora Macdonald in America*, p. 80 (letter of Flora Macdonald, July 12, 1780); Macdonald, *Truth*, p. 106.

<sup>167</sup> Maclean, *Flora Macdonald in America*, p. 82 (letter of Flora Macdonald, July 3, 1782).

<sup>168</sup> Loyalist Papers, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh), Flora's letter dated Oct. 21, 1789. See note 121, page 249.

<sup>169</sup> Maclean, *Flora Macdonald in America*, p. 82 (letter of Flora Macdonald, July 3, 1782).

<sup>170</sup> Macdonald, *Truth*, p. 114.



returned to Skye after the war, and to have taken over Flodigarry.<sup>171</sup>

Of the two daughters, Anne, the elder, was already married to Alexander MacLeod, when the family left for America, and she and her husband accompanied them.<sup>172</sup> The younger daughter, Frances, seems to have been left behind with friends in Scotland,<sup>173</sup> although some believe that she also went to America with the family.<sup>174</sup> This is unlikely since none of the letters referring to the family can be interpreted in such a way as to indicate her presence. She later married the son of Flora's half-sister, and lived at Kingsburgh.<sup>175</sup>

There is a local tradition in North Carolina that Allan and Flora Macdonald had two children, a boy of eleven and a girl of thirteen, who died of typhus here. It is clear from Flora's letter to the Duke of Athol, that in 1774 she had seven, and only seven children. It is likewise clear that when she returned to Scotland from America there were still seven. Allan Macdonald mentioned seven in one of his letters to Congress in July, 1777,<sup>176</sup> and he makes no reference to any young children in his letter filed with his compensation claim in 1784.<sup>177</sup> Flora made no mention of them in her letter about their experiences in America.<sup>178</sup> If there had been two other children, they would have had to be born after Flora's letter to the Duke of Athol of April, 1774, and prior to a date some months after Allan Macdonald left North Carolina a prisoner. He did not see his wife again in North Carolina after the Battle of Moore's Creek Bridge, February, 1776. This leaves a period of approximately two years and a half, during which the children would both have to be born, and before March, 1778, when Flora left, the deaths would have had to occur. It seems that if, in addition to crossing the Atlantic at the age of fifty-two, establishing several temporary homes and one presumably permanent home in the New World, Flora produced two children, all in the space of three years and a half, and ten years after the birth of the last previous child, the matter would be likely to call forth comment from somebody. If, in addition

<sup>171</sup> Macdonald, *Truth*, pp. 85, 89-90, notes 2 and 4.

<sup>172</sup> Macdonald, *Truth*, p. 89, note 2.

<sup>173</sup> Macdonald, *Truth*, p. 117.

<sup>174</sup> Macdonald, *Truth*, pp. 98, 101, note 25.

<sup>175</sup> Maclean, *Flora Macdonald in America*, p. 69 (letter of Allan Macdonald to the Continental Congress, July 12, 1777).

<sup>176</sup> Loyalist Papers, Public Record Office, London, A. O. Class 13, Bundle 122 (transcript in archives of North Carolina Historical Commission, Raleigh).

<sup>177</sup> Dated Oct. 21, 1789. See note 121, page 249.

<sup>178</sup> James A. Macdonald, *Flora Macdonald* (Washington, D. C., 1916), p. 18.



to their other trials, Flora had had the care of these two infants and had also mourned their loss, she or Allan would probably have mentioned it in some of the lists of their hardships, especially since they do mention the loss of other children in this connection. It is therefore impossible to assume that the "lonely, neglected graves"<sup>179</sup> in North Carolina are those of children of Flora Macdonald.

One would like to get a clearer picture of Flora's personality than our sparse records have supplied. It is repeatedly suggested, and often stated by her biographers, that she led a rather dramatic public life and that she made speeches and exhorted the troops before the Battle of Moore's Creek Bridge. All the contemporary evidence suggests an entirely different personality, that of a quiet, domestic, determined woman of great dignity and distinguished manners, whose strength lay in her charm and poise, her ability to make and keep influential friends. Her letters are full of a mother's interest in her family, a wife's concern over her husband's trials, with no references to public matters at all, unless her immediate family has been involved. Her actual conversation, insofar as we have any accounts of it, is of the same type, or else of a personal or social nature. Nowhere is there a patriotic outburst, on behalf of either the Pretender's cause, or that to which she was devoted while in North Carolina. The only possible exception is the one reference to her "spirited behavior" before the committee which examined her after her husband's imprisonment. Even this may have been the angry reply of a woman whose husband, son, and home were violently torn from her by persons whom she and her family must have looked upon as undisciplined radicals. All this does not in any way lessen her greatness. It simply questions the likelihood that, in addition to her other virtues, she was possessed of a gift for public leadership.

In her own family Flora was without doubt the mainstay. Allan seems never to have succeeded in anything, from his

<sup>179</sup> Macdonald, *Truth*, p. 106, suggests that they were the grandchildren, but the only four grandchildren known left with their mother and grandmother in 1778.

One puzzling difficulty in the refutation of this story is to be found in the supposed existence of a letter of Flora Macdonald, which reads as follows: Feb. 1, 1776—Dear Maggie: Allan leaves tomorrow to join Donald's standard at Cross Creek, and I shall be alone wi' my three bairns. Canna ye come and stay wi' me awhile? . . .

(signed) Flory Macdonald.

This is quoted in an unsigned article in *American Historical Record*, I, 109-111 (Philadelphia, 1872), cited incorrectly by Maclean, *Flora Macdonald in America* p. 45, as from the *American Historical Review*. I am unable to find the original of this letter or any proof that it was written by Flora Macdonald, if indeed it existed at all. Flora Macdonald may have spoken Scots with her friends, but she seems to have written in standard English. I find in her authentic letters, no example of the substitution of the words *bairns* for children, *canna* for cannot, *ye* for you and *wi'* for with. It therefore appears from internal evidence that this letter was not written by Flora Macdonald and cannot be taken as evidence of the number of children she had at that time.



factor-ship at Kingsburgh to his estate in Nova Scotia. He was incapable of managing his finances to such an extent that his cousin found it necessary to protest to him on this point, and it was Flora who raised and received the loans and gifts which helped them in emergencies. It was to her that her son sent his contributions, and to her that he confided the money for his sister's dowry. Allan was a gentleman of charm and poise in his own home, and he does not seem to have impressed Boswell as a weak person in any way. On the other hand his letters are full of grievances for which he held others responsible, and he was constantly in some sort of trouble. All this undoubtedly saddened Flora's outlook. There is no sign, from what we know of her, that she herself felt Allan to have been responsible for their troubles, and she repeatedly made excuses for him. But as she advanced in age she showed some signs of bitterness about their sufferings and reduced circumstances. She referred to herself on one occasion, as "once known to the world,"<sup>180</sup> and on another she said they were among the most unfortunate of the Loyalist refugees.<sup>181</sup> There are stories to the effect that she considered herself to have suffered on behalf of the House of Hanover as well as the House of Stuart, and to have derived no personal benefit from either sacrifice. There are no contemporary accounts of such an attitude. She seems rather to have been careful to make no references to the deed which made her famous, and to have taken life as it came, with its trials and joys, without expecting rewards or fame.

The memory of Flora Macdonald still lives on two continents. Landmarks connected with her life in America are still pointed out to visitors in Fayetteville and the vicinity of Killigray. A woman's college in Red Springs, North Carolina, has been named for her, and endowed by Scots living in the United States and Canada. In the far-away Hebrides the Islanders will not soon forget the "Pretender's Conductress." One may visit today definitely identified scenes of her meetings with him and his famous escape under her guidance. And at Portree, where she left him, the Episcopal Church<sup>182</sup> has a stained glass window dedicated to her, and depicting Esther delivering her countrymen.

<sup>180</sup> Macdonald, *Truth*, p. 80 (letter of Flora Macdonald, July 3, 1782).

<sup>181</sup> Letter of Oct. 21, 1789. See note 121, page 249.

<sup>182</sup> Flora Macdonald was not an Episcopalian. Her maternal grandfather had been ordained in that church, but he conformed to Presbyterianism in 1689, possibly because of the sympathies of the people of South Uist where he was to serve (Macdonald, *Truth*, p. 2).



## THE DEMOCRATIC SOCIETIES OF THE CAROLINAS

By EUGENE PERRY LINK

Popular societies were not a new social phenomenon when seven took shape in the Carolinas in the year of 1794. The Jacobin Societies of France were immediate forerunners, but back of these were English patriotic societies and America's own revolutionary and pre-revolutionary popular organizations. In colonial North Carolina the Regulators worked through associations of the people and their militia companies. The Sons of Liberty and the Non-importation Association of Charleston were groups of men stirring social agitation against a common enemy. These were precedents for the Democratic-Republican Clubs.<sup>1</sup> Characteristic of these forerunners was the appeal to the rank and file for action through discussion and committees of correspondence. These features distinguish the Democratic Societies from other contemporary organizations for benevolent and political purposes.<sup>2</sup> They fostered a resurgence of the revolutionary spirit, for, just as the Sons of Liberty, they had military power in the form of the local militia, and could, if necessary, change the course of events. Since in many cases these societies were under the leadership of former Sons of Liberty, it is little wonder that they struck fear into the hearts of the conservative classes. Spokesmen for the status quo branded them as Jacobin Clubs, a fear-inspiring name in that day, and as such they have come down to us in many historical writings. On the contrary, however, the American Revolution set this popular movement on foot from whence it spread to England and France, expanding to threaten the thrones of the mighty throughout the world in the

<sup>1</sup> William H. Foote, *Sketches of North Carolina*, Ch. II, *passim*. Also Leila Sellers, *Charleston Business on the Eve of the Revolution*, pp. 203-204.

<sup>2</sup> In every case where the organizational principles of the societies have been uncovered they have emphasized (1) the right of the people to assemble for political information, and (2) the right to make their sentiments known to others by means of correspondence. The Marine Anti-Britannic Society, organized in Charleston after the evacuation of the British, was particularly active in 1783. Its purposes were not only benevolent toward seamen, but also suppressive to all Tory and pro-British elements. Many of its leaders joined the Republican Society in opposing England. See *The Gazette of the State of South Carolina*, May 6, 13, 20, 1784. The American Revolution Society had for its purpose the annual celebration of the Fourth of July. It was organized on July 4, 1792, appealing to the upper classes and closely associating itself with the Society of Cincinnati. See the *City Gazette* for July 6, 1792, and July 7, 1794. The French Patriotic Society was more truly a Jacobin Club, organized by the French in 1792 to aid the people of that descent and to "advance the cause of liberty." See the *City Gazette*, July 6, 1792.



1790's.<sup>3</sup> The societies may be thought of as indigenous social phenomena.

Reverberations of the revolution in France, from 1789 on, rekindled democratic enthusiasms in the Western world. New life was given to The Revolution Society in England, long established to defend the principles of 1688.<sup>4</sup> The Society for Constitutional Information, appearing in 1781 in England to express sympathy for the Americans, took a new lease on life and opened correspondence with the societies in Ireland,<sup>5</sup> Scotland, and a little later with Germany and France.<sup>6</sup> The names of Richard Price, James Watt, Thomas Cooper, and Joseph Priestly are well known for England; for Scotland Richard B. Sheridan, Horne Tooke, Thomas Muir, and John Cartwright are familiar members of these societies; and Ireland had Wolfe Tone, Archibald Rowan, and Thomas Reynolds. When the handsome, idealistic Edmund Genet, friend of Brissot and Condorcet, came to America as the first minister from the Republic of France, he fanned into flame the spark of '76 and tied America into a world revolutionary movement which she herself had inaugurated.<sup>7</sup>

Another basic factor to be considered in an attempt to understand the setting for the appearance of these clubs is the condition of things under our national roof. Only the ill-informed can believe that agitators spin trouble out of the air, and that there was no *raison d'être* for organized protest in 1793 except the emotional glow of French liberty. The *vox populi* had been heard in the Shays's uprising, speaking against an order of affairs prejudicial to the interests of the small farmers. Again in 1788 it warned against too great centralization of power and growing attitudes that ignored a Bill of Rights. Finally the *vox diaboli* was recognized in the words and deeds of Alexander Hamilton, who by 1792 had smothered popular feeling sufficiently to gain an odious excise (reflections of the Stamp Act), fund the national debt, lining the pockets of "the patronage and paper men," and assume the state debts in one great lump. The leaders were

<sup>3</sup> Richard B. Morris, *The Era of the American Revolution*, pp. 346-347. For the influence of the English liberal thought on France, see C. H. Lockitt, *The Relations of French and English Society*, pp. 50-65, 112-114.

<sup>4</sup> *The Correspondence of the Revolution Society in London with the National Assembly and with Various Societies of the Friends of Liberty in France and England* (London, 1792).

<sup>5</sup> Rosamond Jacob, *The Rise of the United Irishmen*, pp. 193, 198. Also *Proceedings of the Society of United Irishmen of Dublin* (Philadelphia, 1795).

<sup>6</sup> *South Carolina State Gazette*, October 3, 4, 1794. For the German movement see the article from a royalist paper, "The Annals of Vienna," *City Gazette*, July 4, 1792.

<sup>7</sup> Maude H. Woodfin, *Citizen Genet and His Mission*. MS. Ph. D. dissertation, University of Chicago, 1928, p. 25, note.



now expressing sympathy toward the English monarchical form of government. The Society of the Cincinnati seemed to the average man to be moving toward the establishment of a nobility in America. An important factor in exciting the opposition of influential merchants and land speculators to the general government was the seemingly docile acceptance of English encroachments on trade and efforts to prevent American expansion on the frontier. All of these things combined to give mass support and leadership to the Democratic Societies.

So far as the examined records reveal, there were in the Carolinas seven popular societies active in their resplendent year of 1794. Five of these were to be found in South Carolina, and two in North Carolina. It is quite likely that there were others, since the impulse for popular organizations was stronger than at any time since the American Revolutionary period.<sup>8</sup>

The first and mother society for the Carolinas was formed at Charleston in August, 1793. On September 5 it adopted a "Declaration of the Friends of Liberty and National Justice" and named itself "The Republican Society of South Carolina."<sup>9</sup> Eleven days later "The Democratic Society of the District of Pinckney" was organized at the Chester County Courthouse, and on September 23 it issued "to the patriotic printers" the statement of its objectives.<sup>10</sup> In April, 1794, when war with Great Britain seemed imminent, societies appeared at Washington and Fayetteville, both in North Carolina. The former took the name of "The Democratic-Republican Society of Washington"; the latter, while assuming no definite name, organized a permanent committee of correspondence.<sup>11</sup> "The Franklin or Republican Society of Pendleton County" organized on May 31 and passed resolutions upholding the "Rights of Man" and "Citizen Madison."<sup>12</sup> Little is known of the "Patriotic Club of St. Bartholmew" except that it represented a parish organization near Charleston and that it was active in

<sup>8</sup> George D. Luetscher, *Early Political Machinery in the United States*. This author mentions five, omitting the important Pendleton Society and the Fayetteville Committee of Correspondence. Compare William Miller, *The Democratic Clubs of the Federalist Period, 1793-1795*, MS., a master's thesis at New York University, 1937.

<sup>9</sup> *Baltimore Daily Repository*, September 18, 1793. See also *The Correspondence of the Republican Society of Charleston, MS.*, a volume of letters (in French) from the French consuls to M.A.B. Mangourit, consul at Charleston, in the Boston Public Library. Only two or three items relate directly to the Republican Society, the remainder is of importance to the student of Genet projects.

<sup>10</sup> *City Gazette*, November 5, 1793.

<sup>11</sup> *The Philadelphia Gazette*, October 4, 1794. *Affaires Etrangères, Correspondence Politique, Etats-Unis*. Vol. XL, pt. VI, April 18, 1794. Photostat in the Library of Congress.

<sup>12</sup> *City Gazette*, June 30, 1794.



opposition to the Jay Treaty.<sup>13</sup> Likewise "The Madison Society" of Greenville, South Carolina, is known to us only through a statement of willingness to communicate with the Prince William County Society in Virginia and with the Washington, North Carolina, society, and through one set of Fourth-of-July resolutions.<sup>14</sup> Besides these political societies there were in the Carolinas at the same time Tammany Societies which, like the Democratic Clubs, had a sense of unity and passed ultra-democratic resolutions on festival occasions.<sup>15</sup>

An analysis of an incomplete list of members of the Republican Society of South Carolina shows that the largest proportion of the membership is made up of mechanics and tradesmen, with seamen (captains, shipwrights, harbor officials, etc.) next, then, in order, merchants, lawyers, teachers, planters, doctors, and printers.<sup>16</sup> Many, such as John Hinckley Mitchell and Thomas Lee, were young men; others, such as Stephen Drayton, Simeon Theus, and the Attorney General of the State, Alexander Moultrie, were heroes of the Revolution.<sup>17</sup> Twelve were active as city officials—wardens, poor-commissioners, and fire masters.<sup>18</sup> Nine were officers of the militia, six were doctors, some owned slaves, while still others were resolute against slavery. These inconsistent democratic combinations, a mixture of self-interest and idealism, made up the body of those who were urgent about the Rights of Man.

Their opponents were men of wealth and position, closely linked with the British system of finance. Naturally they were pro-English in sentiment and gave their support to the exclusive St. George or St. Andrew Societies which toasted the king on special occasions.<sup>19</sup> The Chamber of Commerce expressed their collective will. Men like William L. Smith spoke for them in the halls of government. He frankly expressed to his constituents his reason for maintaining ties with England, namely, that her commercial system was more

<sup>13</sup> *American Daily Advertiser*, August 13, 1795.

<sup>14</sup> Harry Innes Papers, Vol. 19, pp. 134, 136, Library of Congress; *American Daily Advertiser*, September 4, 1794.

<sup>15</sup> *Ibid.*, May 18, 1793, for an instance of Tammany in North Carolina. For an example of the society in South Carolina see *City Gazette*, May 3, 1794. The rise and development of the Tammany Societies throughout the United States should be made a special study. They are not considered here, because their original purposes were largely social and benevolent.

<sup>16</sup> This analysis was made with the aid of the MS. Correspondence of the Republican Society of Charleston and *The Charleston Directory* for 1794. One hundred and sixteen names of members were found. Mangourit wrote that the society was composed mostly of ship owners and captains of privateers, together with old soldiers who had been ruined by Hamilton's policies. See *Mangourit Correspondence in Respect to Genet's Projected Attack Upon the Floridas, 1793-1794*, p. 664.

<sup>17</sup> M. Atherton Leach, ed., *Some Account of the Draytons of South Carolina and Philadelphia*, p. 10.

<sup>18</sup> William Waring, *South Carolina and Georgia Almanac, 1793* (Charleston, 1793), *passim*.

<sup>19</sup> *Columbian Centinel*, May 15, 1793; *City Gazette*, Dec. 4, 1793.



favorable to the merchants than was that of France. In the same speech he describes his opponents as "men of little reputation, less property and renown for violence of their passions."<sup>20</sup> It is not surprising that this conservative should receive the following note signed, "15 Republicans and boys of Liberty to Exterpate [*sic*] Torys [*sic*]:"

Your aristocratical behavior in Congress has introduced us to form a conspiracy against you and for your unnatural torysism you shall fall by the hands of private murder and nobody shall know who committed it,— for all America's sons are crying out against you. You rascal— we again repeat, by the hand of private murder you shall fall — and so beware of your life— for we are determined to mangle your body at a most horrid rate.<sup>21</sup>

Even Charles Coatesworth Pinckney, himself a Federalist, was critical of the reactionary position of Smith. He wrote,

I think William Smith has shown too great a bias to Britain and British politics for me to wish him to be re-elected, and the British merchants and old Tories are doing all they can to get him in once more.<sup>22</sup>

Edward Penman, another leading Charleston merchant, was suspected of bribing harbor pilots to run the French ship *L'Ambuscade* aground. He moved to England in 1796.<sup>23</sup> The Schoolbreds, James and John, working for English commercial interests, tried to disguise the fact by gifts for the relief of Algerine captives.<sup>24</sup> These are representative of the opposition.

Of the leaders of the Republican Society, Stephen Drayton was at once outstanding by reason of his family and representative by virtue of the buoyant altruism which distinguished so many of his associates. Drayton, the president of the club, was a member of the Georgia Council of Safety in 1775, and in 1778 was commissioned Deputy Quartermaster-General for the Southern Department of the Continental Army. He was a member of the Georgia State Society of Cincinnati, and secretary to Governor Moultrie.<sup>25</sup> In the Drayton genealogy file his family line cannot be traced, for after mentioning his name the comment is made that he

<sup>20</sup> *City Gazette*, Oct. 2, 1794.

<sup>21</sup> William L. Smith Papers, 1793-1806, Library of Congress. There is no date on this letter except the year 1794.

<sup>22</sup> Pinckney Papers, October 5, 1794, Library of Congress.

<sup>23</sup> Correspondence of the Republican Society. For other machinations of Penman see *City Gazette*, April 23, 1794.

<sup>24</sup> The Schoolbred Letterbook, MS., in the Charleston Library Society, p. 189.

<sup>25</sup> Leach, *Some Account of the Draytons*, p. 10.



married several times and beneath himself.<sup>26</sup> The Federalist Draytons, a first family of South Carolina, so dismiss their colorful relative. Enthusiastic about the victory for democracy in France, with the arrival of Genet, Drayton threw himself heart, soul, and fortune into the attack upon monarchical systems no matter where they existed. He saw nothing wrong in aiding France to free the Floridas and Louisiana from the control of a monarch; rather, to him such action was serving the cause of "Universal Liberty."<sup>27</sup> Foreigners had aided us in our revolution, and men like Paine, Barlow, Clootz, and even James Monroe were active in aiding others to freedom. Drayton was of this mind. His recruiting for France was justified on these grounds.<sup>28</sup>

William Tate, the secretary of the Republican Club, was a frontier leader, active also in the Franklin Society of Pendleton. Mangourit describes him as having "all the virtues of the adventurers who conquered the two Indies, without their vices and ignorance; extremely severe to himself, drinking nothing but water; . . . a firm disciplinarian and having in his brain the coolness and heat to execute a great enterprise on small means."<sup>29</sup> With Drayton and the encouragement of Governor William Moultrie, he joined in the plans to raise an army to attack the Spanish country. Failing in this, he went to France in 1795 and joined the French army.<sup>30</sup> Two years later he was a leader in the Fishguard Bay Incident, an attempt to aid Ireland in her revolution.<sup>31</sup>

John Hinckley Mitchell was only twenty-two years old when he was active in the Republican movement. His father, Moses, was a devoted Whig and a neighbor and friend of Charles Pinckney. The influence of his father, together with his own experience of seeing his brother's leg mangled by a British cannon ball, rooted him in the democratic faith. He was educated in England, where he made the friendship of Matthew Boulton, Priestly, and Watt. Boulton had just

<sup>26</sup> See file on the genealogy of the Drayton family in the South Carolina Historical Society.

<sup>27</sup> The Genet Papers, letters from Drayton to Genet, August 21, December 9, 1793, and May 13, 1794.

<sup>28</sup> Drayton's sincerity doubtless had some self-interest intermixed. He was the secretary of an inland navigation company, and his friends were land men like the Moultries and Tates. See Waring, *Almanac*. Alexander Moultrie was involved in the Yazoo land deals, but, it seems, not in the frauds of 1795, see *An Extract from the Proceedings of the South Carolina Yazoo Company* (Charleston, 1791). Moultrie wrote a pamphlet defending himself, Drayton and others against the charges brought by the state legislature (for recruiting). He was critical of the unnecessarily harsh treatment accorded the prisoners, and convincingly argued that they had violated no law. See his *An Appeal to the People* (Charleston, 1794).

<sup>29</sup> Frederick J. Turner, "The Policy of France Toward the Mississippi Valley in the Period of Washington and Adams," *The American Historical Review*, X, 249-279.

<sup>30</sup> Mangourit Correspondence, p. 671.

<sup>31</sup> Turner, "The Policy of France," *The American Historical Review*, X, 249-279.



completed an invention that was to revolutionize the coining of money by applying steam to the cutting machine. Mitchell sought to furnish South Carolina with new copper coinage from Boulton's machines. On returning to Charleston he became a Mason, a city commissioner, and a warden, and was considered by Jefferson as "too radical" to be appointed Director of the United States Mint. While he was somewhat skeptical in religion, he had strong humanitarian feelings.<sup>32</sup>

Thomas Lee was the son of a Charleston watchmaker and a colonel in the revolution. He was twenty-four years old when the Republican Society was organized. Lee received a classical education, followed by the study of law under John J. Pringle. He became adept in public speech, a "fine person, powerful voice, and elegant elocution." Attention was first called to him after a moving speech which he made at the celebration of the fall of the Bastille. Lee's ardent republicanism led him to join the democratic and the French Patriotic societies in Charleston. On July 14, 1793, he delivered the oration for the latter society, in which he said that the French had followed the Americans in overthrowing tyranny, that the two revolutions were essentially alike, and that if both were defended they would enlighten the world.<sup>33</sup> In later years he became a famous judge of the Carolinas, honored by President Monroe and admired by his contemporaries.<sup>34</sup>

Other leading members of this Democratic club were printers Peter Freneau (brother of the poet Philip), Thomas Bowen, and John Markland; Enos Reeves, the silversmith whose work is exhibited in the Charleston Museum; doctors James H. Ramsey, Wm. S. Stevens, James Lynah; John Davidson and William Blamyer, active in the Charleston Library Society; and Andrew Horry, Thomas Lehre, Francis Huger, Benjamin Legare, O'Brien Smith, James Ladson, and John Kershaw.<sup>35</sup>

Little is known of the leaders in the Democratic-Republican Society of Washington, North Carolina.<sup>36</sup> In Fayetteville the Democrats were men such as Guilford Dudley, colonel

<sup>32</sup> Clarence B. Mitchell, ed., *The Mitchell Record*, and *The Mitchell-Boulton Correspondence, 1787-1792*, *passim*.

<sup>33</sup> *State Gazette of South Carolina*, July 19, 1793.

<sup>34</sup> H. R. Brodas, *The Bench and Bar of South Carolina*, I, 83-101.

<sup>35</sup> The Correspondence of the Republican Society.

<sup>36</sup> Two names are known: D. Jones and E. Hoell (Howell?). See *Philadelphia Gazette*, October 4, 1794.



in the Revolution; David Ker, educator; Caleb Howard, printer; and Dr. John Sibley.<sup>37</sup>

Upper South Carolina, being a frontier region, had the rugged and sometimes crude personalities conditioned by a rough life on the wilderness fringe and nearness to hostile Indians. The sections around Greenville and Pinckney were fertile, and the mild and healthful climate induced Charlestonians, who feared the fevers, to summer there.<sup>38</sup> Some bought plantations and remained, giving to the upcountry a reflection of the culture of the low. But the greater number were Scotch-Irish from Pennsylvania and Virginia, "Presbyterians to a unit," who found a Tory to be a "rare bird" in their company.<sup>39</sup> Elections were won with liquor. Grog benches were set up in the street where the candidates would serve all comers.<sup>40</sup>

It was not a venial sin to get groggy at the courthouse salesday, or get so exhilarated at the polls election days as to have several fights; and at a wedding, the best of men would dance a jig, hornpipe or reel, and "come home with a drap too much in the e'e."<sup>41</sup>

Prominent in the Democratic Society of Pinckney District was Alexander Moore and General Edward Lacey, whose personal relations exemplify the rough-and-tumble character of this frontier society. Lacey, the president of the society, was a hero of Cowpens and Kings Mountain, the father of ten children, sheriff (a position of honor then),<sup>42</sup> judge, and politician.<sup>43</sup> He had become Moore's friend after a fight with him, and subsequently shouted from the polls on election day that he would "whip any man who didn't vote for Alec Moore."<sup>44</sup> In the frontier fighting General Lacey had, on another occasion, lost a finger between another man's teeth.<sup>45</sup> He was indeed fortunate not to have had his eyes gouged out!

The social conditions in Pendleton County, Washington District, were not unlike those in Pinckney. Thomas Reese, Presbyterian minister, living among these up-countrymen writes:

<sup>37</sup> *North Carolina Historical Review*, VI, 321-322.

<sup>38</sup> James M. Richardson, *History of Greenville County*, p. 62.

<sup>39</sup> Maurice A. Moore, *Reminiscences of York*, p. 2.

<sup>40</sup> Richardson, *History of Greenville County*, p. 68.

<sup>41</sup> Moore, *Reminiscences of York*, p. 2.

<sup>42</sup> For the honor accorded to the office of sheriff see Julian P. Boyd, "The Sheriff in Colonial North Carolina," *North Carolina Historical Review*, V, 151.

<sup>43</sup> Maurice A. Moore, *The Life of General Edward Lacey*, *passim*.

<sup>44</sup> Moore, *Reminiscences of York*, p. 14.

<sup>45</sup> Pinckneyville District Papers, Sessions, Union County Courthouse, Union, South Carolina.



The people are in general, remarkable for the great simplicity of their manners, the plainness of their dress and their frugal manner of living. At the distance of 250 miles from the capital, they are strangers to luxury and refinement. Blessed with a healthy climate, brought up in habits of labor and industry, and scarce of money, they are the most part clothed in homespun; nourished by the produce of their own farms, and happily appear to have neither taste nor inclination for high and expensive living. There is quite a degree of equality among them . . . none are very rich, few extremely poor. There are few slaves among them, and these are treated with great kindness and humanity. They enjoy all that liberty which is compatible with their situation; and are exempted from that rigorous bondage to which their unhappy countrymen in the lower parts of the state are subjected.<sup>46</sup>

The county courts along the frontier exercised a wide jurisdiction, the life of the time circulated around them, and the county officials were the leaders and most respected men in the community. Pendleton's first courthouse was made of logs and measured eighteen by twenty-five feet. Here the Democratic society met on court days.<sup>47</sup> John Miller was clerk of the court and secretary of the society. Samuel Lofton, president of the Franklin Society, held the honorable position of sheriff. There were also the Tates, Robert, William and James, owners of the largest up-country iron works.<sup>48</sup> Moses Liddle, together with the Tates and Loftons, held large plantations and was deeply concerned in land projects.<sup>49</sup> Such was the local setting for the members of the Franklin or Republican Society of Pendleton.

The outstanding leader of this club was the English refugee printer, John Miller. His Old-World democratic background has been carefully traced by Professor Gilpatrick.<sup>50</sup> He belonged to that group in England whose sympathies were with the colonists in the Revolutionary War, and he retained these sympathies in his ardent opposition to all things smacking of monarchy when he lived among the people of Pendleton. A man of cultural interests, he had "with the aid of several prominent gentlemen" established a circulating library while living in Charleston.<sup>51</sup> The view popularly held among progressives of the time was that traditional governmental systems sought to perpetuate ignorance, so

<sup>46</sup> George Howe, *History of the Presbyterian Church in South Carolina*, p. 637.

<sup>47</sup> R. W. Simpson, *History of Old Pendleton District*, pp. 12-13.

<sup>48</sup> John Drayton, *A View of South Carolina* (Charleston, 1802), pp. 151, 152.

<sup>49</sup> The landed interests of these frontiersmen may be further traced in the deed books of the counties which once formed old Washington District. The writer checked the names of the officers of the Republican Society in Anderson County, Deed Book "B."

<sup>50</sup> D. H. Gilpatrick, "The English Background of John Miller," *The Furman Bulletin*, January 1938, pp. 14-20.

<sup>51</sup> Wm. L. King, *The Newspaper Press of Charleston*, p. 36.



Miller devoted himself without stint to the dissemination of knowledge. He wrote the circulars and resolutions for the Democratic society. In 1795 he made an effort at publishing the first paper of the up-country. Warning that watchfulness was imperative in a democracy, he added in his announcement of the new paper:

The press like a trusty centinel must be ever on the lookout . . . should neither slumber or sleep . . . must give the alarm . . . excite the attention and ability of men . . . be made the rallying point . . . and by its irradiating influence warm and illumine their minds.

And again:

Laziness in politics is like laziness in agriculture; it exposes the soil to noxious weeds.

He proposed to call his paper "The Back Country Gazette of South Carolina and North Carolina and Georgia Courier." It was to be introduced to others by "magistrates, colonels and majors of regiments, captains of companies, clerks of courts and postmasters in the several counties."<sup>52</sup> Although Miller was not immediately successful in his attempt to bring information to the people, a few years later his efforts resulted in the establishment of *Miller's Weekly Messenger*. He died in 1809, and is buried among his Presbyterian associates near Pendleton.

From what has been written here of the leaders and members of the societies, it is evident that they were interesting, idealistic, and patriotic men. Both in actions and appearance they could be distinguished from the adherents of Hamilton. If there were young Federalists, the party was dominated by "the men of consequence." On the other hand, the typical Democrats seemed for the most part to be youthful men who wore undisguised brown, black, or auburn locks as nature made them, cut in a "crop," and had short-waisted, high-collared coats, pudding-bag cravats, and "those slovenly things called pantaloons flapping about their ankles." In contrast we find the Anti-Democrats generally old gentlemen with powdered and tied-back hair, lace ruffles, diamond buckles, knee breeches, and silk stockings.<sup>53</sup>

The weight of the activities of the popular societies was

<sup>52</sup> *State Gazette of South Carolina*, November 26, 1795.

<sup>53</sup> St. Julien Ravenel, *Charleston, The Place and the People*, p. 379.



on the side of creating public discussion and issuing circulars, memorials, and resolutions expressing the feelings of the assembled groups on current political issues. They were likewise involved in certain direct actions, which were considered by their opponents, if not illegal, at least extra-legal. Under the first category fell their defense of the Rights of Man and of the French Revolution, their opposition to the acts of the general government, and certain local issues, such as sectional problems within the state. Direct moves by the societies, or the encouragement of such moves, while not so numerous as the acts of their predecessors in 1766, did occur. Among such were the disarming of ships, recruiting, and the insurrectionary plans against the Floridas.

To the Democratic societies the Rights of Man meant the right to freedom of speech, press, and assembly. The right to criticize governmental representatives and to "call them on the carpet" for an explanation and questioning concerning their public acts was insisted upon, followed by the right to publish their reactions in a free press. Typical of all the societies is this resolution from Washington, North Carolina:

It is the unalienable right of a free and independent people to assemble together in a peaceable manner to discuss with firmness and freedom all subjects of public concern, and to publish their sentiments to their fellow citizens, when the same shall tend to the public good.<sup>54</sup>

Of equal importance was the right of the people to instruct their duly elected representatives, or to express approval of "patriotic acts." This system of the people addressing their Congressmen and expecting to receive regular reports in return was widely used in North Carolina, and the fact that some of the Congressmen neglected this duty was made an issue by the Fayetteville Committee of Correspondence, when it addressed all the representatives of the state in 1794.<sup>55</sup> The Charleston Society sent compliments to "Citizen" James Madison for his "patriotic stand in Congress," Washington addressed Thomas Blount, and there were other similar cases.<sup>56</sup> The emphasis on vigilance was considered of the utmost importance for the preservation of liberties, especially at a time when it seemed as though reactionary characters were making themselves felt in political life. The

<sup>54</sup> *North Carolina Gazette*, April 19, 1794.

<sup>55</sup> *Affaires Etrangeres* (see note 4, p. 260).

<sup>56</sup> The James Madison Papers, Vol. XVII, No. 36, Library of Congress. *The United States Magazine*, July 1794, p. 254.



Charleston members believed that certain leaders were seeking to restore tyranny in America; "Her patriot sons, therefore, formed themselves into societies under different denominations, but all for one general purpose, that of watching narrowly public characters."<sup>57</sup> They were encouraged more when they received communications from the Massachusetts Constitutional Society, The Pennsylvania Democratic Society at Philadelphia, and others, to the effect that all would join in efforts to preserve the liberties won a decade earlier.

To the Democrat of 1793 the French Republic was to be defended at all costs. At last America had an ally in one of the leading nations of the world, and should England and the "combined tyrants" be successful in restoring monarchy to France, little America would eventually be subdued. Moreover, had not France helped us in a dark hour, and should we not reciprocate, especially when we were bound by treaty to do so? Wholeheartedly, the Democratic societies answered in the affirmative. In one of its first declarations the Charleston society wrote:

We the undersigned citizens of the United States, calling to our remembrance the recent league of the foreign princes against the republic of Poland, and the consequent dismemberment of that ill-fated state; and the present unexampled combination of almost all the European potentates against the French Republic, are deeply impressed with an apprehension that the utmost efforts of despotism will be exerted to annihilate all ideas of liberty and even to eradicate (if possible) from the human mind, every notion of national justice; and if the present eventful European contest should terminate in the dissolution of the French Republic, we have no doubt but that the craving appetite of despotism will be satisfied with nothing less than American vassalage in some form or other. The interest of absolute power requires that the voice of liberty should be heard no more, and in the event of the overthrow of the French Republic, the United States, then without an ally, may be forced to yield to European confederacy.<sup>58</sup>

So concerned were the societies over a victory for France that they openly advocated war against Britain, that the Tree of Liberty might spread its branches over the entire earth. Washington's neutrality stand, they felt, was lending indirect aid to the enemy; while Thomas Paine's collective security demanded support for republicanism everywhere. "The cause of France is the cause of the people of all na-

<sup>57</sup> *City Gazette*, October 8, 1794.

<sup>58</sup> *Baltimore Daily Repository*, September 18, 1793.



tions," resolved the Pinckneyville group. "The Republican and Revolution Societies of Britain and Ireland; success to their efforts in the cause of freedom and equal rights of man," toasted the Charleston society.<sup>59</sup> French victory would mean "one great Democratic Society of the World."

On national issues the Democratic clubs were outspoken in opposition to the Excise Law, the appointment of John Jay, and the treaty that grew out of this appointment. William Smith, Federalist, returned from a visit among the people of the back country and wrote to Hamilton, April 24, 1793, that these "banditti-like" people were reading Freneau's *National Gazette*, which he had hastened to assure them was "stuffed with lies," and were expressing violent opposition to the excise.<sup>60</sup> This statement of Smith's indicates something of the extent to which Philip Freneau's Democratic paper was circulated; but even more, it points to the interest in national affairs by people remote from the center of government.<sup>61</sup> The excise had been a bone of contention ever since its passage, particularly in the western country where it led to open rebellion in the summer of 1794. The western Democratic clubs of the Carolinas condemned it at every opportunity, while the seacoast societies added to their condemnation their opposition to the extreme methods adopted by the Pennsylvania insurgents.<sup>62</sup> These more moderate elements in the low country had accepted the Constitution, and hence wanted changes in the excise system brought through legal channels.

The societies, however, stood as one in opposing John Jay. Pinckney passed resolutions against his appointment, claiming among other things that (1) the appointment violated the separation of powers theory upon which the Constitution rested, for a judicial officer was also acting in an executive capacity; (2) Jay was pro-British in his sympathies and had said Britain had a right to hold the western posts; and (3) Jay was attempting to bind us to the English system of government—otherwise why did we not negotiate through our duly appointed ambassador?<sup>63</sup> Emotions were calm,

<sup>59</sup> *State Gazette*, April 29, 1794; and *City Gazette*, February 19, 1794.

<sup>60</sup> The Alexander Hamilton Papers, Vol. XIX, No. 2566, Library of Congress.

<sup>61</sup> Some writers have described the people of 1793 as politically lethargic; see Gilbert Chinard, *Thomas Jefferson, The Apostle of Americanism*, p. 301, where the author states that the rural populations were passive and "took little interest in discussions that did not affect their interests." Compare Charles Sherrill, *French Memories of Eighteenth Century America*, pp. 249-251, 254, where the opinion of several French travelers is given.

<sup>62</sup> For example, see the resolutions of the Democratic-Republican Society of Washington, N. C., in the *Virginia Chronicle*, September 8, 1794.

<sup>63</sup> *Gazette of the United States*, September 8, 1794.



however, compared with the outburst of wrath and spleen that occurred with the appearance of the treaty itself. The Patriotic Club of St. Bartholemew hurriedly called a town meeting for its consideration.<sup>64</sup> The Republicans of Fayetteville, North Carolina, had the following inserted in the local press:

As it is in contemplation to burn the effigy of John Jay, and the treaty which he has signed, derogatory to the national character of America, tonight; and rumor tells us that persons inimical to liberty, who wish to subvert the ties existing between America and France, mean to try to repel the execution of this just action; It is hoped that the spirit which ever characterized the true friends to a democratical government will be prevalent on the occasion, and shew these satellites of anarchy that tar and feathers will be the recompense for their good intentions. Ca Ira, Ca Ira.<sup>65</sup>

Out at Pendleton, John Miller read the treaty before the assembled militia companies, gathered around a huge Liberty Pole. When he had finished he asked the three regiments of militia to keep their caps on if they disapproved of the treaty. Not a cap moved! Then he read to them the Franklin Society's resolutions execrating the treaty. These resolutions were twenty-eight in number and covered a full page of the Charleston *City Gazette*. They condemned pro-English and anti-French measures, the mis-leading of Washington, the trickery of Hamilton and Jay, secret negotiations, British encroachments on trade, monarchical actions of certain Senators, unconstitutionality of procedures, and the like. The heated resolves end with a pledge to all other Republican societies to see that Jay be brought to trial, and a compliment to the spirit of '76 which had done well, in the light of this outrage, to hold itself in submission!<sup>66</sup>

State and local issues were not excluded from the program of the popular societies. The Charleston members passed resolutions in defense of Stephen Drayton and Alexander Moultrie who had been hailed before the state legislature for alleged violation of the law in recruiting for the Genet projects.<sup>67</sup> The people in the back country were disturbed by the money system in the State. The Democratic Society

<sup>64</sup> *American Daily Advertiser*, August 12, 1795; *City Gazette*, August 7, 1795. These two accounts differ slightly.

<sup>65</sup> *North Carolina Centinel*, July 25, 1795.

<sup>66</sup> *City Gazette*, October 28, 1795. John Miller was an anti-British energumen when he composed these resolutions. Upon hearing that President Washington favored the treaty his anger got the better of him and he wrote that he was "too much agitated at the moment to advise calmly."

<sup>67</sup> *City Gazette*, June 25, 1794.



of Pinckney lamented "the low value of our gold and silver"<sup>68</sup> and John Miller addressed the state legislature asking that the general government adopt a uniform currency for the Union.<sup>69</sup>

But the most important problem was a sectional one involving proportional representation for the up-country as well as for the low. The upper classes of the seacoast area feared the growing political power of the more radical frontier, and opposed the trend even though it violated democratic principles. Henry DeSassure, writing to Richard B. Lee on February 14, 1795, expressed the viewpoint of the low countrymen around Charleston when he said:

Our upper country people are very unenlightened, easily misled by demagogues and governed by every passing wind. We are therefore, afraid to allow of any change in the representation. When they attain the information possessed by your people in Virginia in the country above the falls of the rivers, and are guided by men of education and of settled principles of government, many of our objections to increase their representation will be done away, and we may probably follow the example you set us of increasing their representation by degrees.<sup>70</sup>

Long debates in the press were carried on between "Appius," probably Robert Goodloe Harper (at the time an ardent Democrat), and "Americanus," who was Timothy Ford, secretary of the Revolution Society in Charleston. A "Representative Reform Association" was organized with a general committee largely composed of Democratic society members like Harper and John Kershaw. Appius argued that the rich few of the low country were too powerful, unbalancing the representative system; while Americanus countered with the argument that Republicanism did not mean the adoption of levelling principles and the violation of property privileges.<sup>71</sup>

"Salus populi, suprema lex esto"; following this motto, the Republican societies justified their direct actions.<sup>72</sup> The English sloop *Advice* was allegedly loading rice in the Charleston harbor. Suspicions were aroused that the ship was also arming, so the Republican Society appointed a committee to investigate an apparent infraction of the Neutrality

<sup>68</sup> *City Gazette*, January 9, 1795.

<sup>69</sup> *City Gazette*, March 19, 1794.

<sup>70</sup> The Richard Bland Lee Papers, Vol. I, Library of Congress.

<sup>71</sup> *An Address to the People of South Carolina by the General Committee of the Representative Reform Association at Columbia* (Charleston, 1794).

<sup>72</sup> *American Daily Advertiser*, September 4, 1793.



Proclamation of George Washington. Finding that the sloop was arming, the society sent an ultimatum to its master giving him until eight o'clock the following morning to disarm. After meeting with a refusal, the membership unanimously agreed to enter and disarm the ship, with a unit of the militia as a guard. This they did with cheers arising from the crowd assembled on the wharf.<sup>73</sup>

The most notorious direct action in which the Democratic societies had a hand was that of the projected attack on the Floridas and the lower Mississippi country. Working under commissions in the French service issued by Mangourit, Genet's able and popular consul in Charleston, the officers of the societies were active in recruiting throughout North Carolina and South Carolina. William and Robert Tate enlisted the interest of the societies at Pinckneyville and Pendleton. Their plan was to raise troops in the Carolinas and advance to meet George Rogers Clark on the lower Mississippi.<sup>74</sup> At the same time ships were to be fitted out for an attack on St. Augustine. The societies made solemn promises to forward these ventures by encouraging recruiting and raising the necessary money for supplies; but when misfortune and censure arose, the merchant-traders in the clubs lost interest and withdrew support from plans which did not guarantee them money rewards.<sup>75</sup>

By the end of the year 1795 the animation of the Democratic clubs had subsided and in many places had even disappeared. The central government had sent a special envoy to the West Indies to relieve British encroachments upon our shipping. Furthermore it had taken action leading to the opening of the Mississippi through the Pinckney Treaty. These gestures favored the merchants and land speculators in the clubs, whose democratic activity was largely opportunistic. Since this group had gained half a loaf, they were ready to adopt a more moderate course.

Of even greater significance to keep in mind in attempting to account for the ebbing of the societies was the widespread fear that the democratic talk and actions might arouse a formidable demand for revolutionary change, leading to

<sup>73</sup> *American Daily Advertiser*, August 27, 1793. For rôle played by Genet see L. Dider, "Le Citoyen Genet," *Revue des Questions Historiques*, XCII, 92, and XCIII, 5-25, 423-449.

<sup>74</sup> Mangourit Correspondence, pp. 671-678. Genet's agent at Fayetteville was an officer named Hewes, described by the Federalist Hugh Williamson writing to Randolph, Jan. 21, 1794, as one who "drank, swore, gambled and wore the French cockade." See Miscellaneous Letters, Department of State, in the National Archives.

<sup>75</sup> *Ibid.*, pp. 664-665. For Democratic society members active in these plans see Misc. Letters, (see note 74), Dec. 6, 1793. Also *American State Papers, Foreign Relations*, class I, pp. 310-311.



a fundamental alteration in the existing property relationships. Moderates as well as conservatives shared these fears. As has been indicated, the leaders of the clubs were opposed to unconstitutional methods, and did not think for one moment of changing the form of the government.<sup>76</sup> The Federalists, however, felt that even the reformistic zeal stirred by the "half-way" Democrats might get out of hand, and lead into "French principles." Wolcott, secretary of the Treasury, commenting on the period from 1793 to 1797, stated this feeling in a letter to William L. Smith in 1798.<sup>77</sup> There was much evidence to support the fears of the more conservative classes. The militia companies were siding with the radicals in the Democratic clubs, and in some cases, as happened near Washington, North Carolina, were refusing to obey the governor's orders forcibly to stop French privateering.<sup>78</sup> At Charleston English merchants were certain that if the will of the societies prevailed, leading to war with England, it would be "immediately followed by a sequestration of estates" and a confiscation of all debts.<sup>79</sup> James Schoolbred wrote to his brother John, October 29, 1793:

The warmth with which this country has and continues to interest herself in the French Revolution was a second powerful cause for slowness in collection of debts. The latent, long smothered animosity against England and the English broke out in flame. The public prints contained the most violent sentiments and confiscation of property of every one attached to and connected with the country. Private societies re-echoed similar denunciations. Those indebted to British merchants sedulously fanned this disposition and are still keeping it alive.<sup>80</sup>

The Federalists, in order to subdue the societies and rob them of their leadership, pressed home repeatedly the threat to existing property relationships in radical Democratic activity. The famous Whiskey Insurrection was proof enough to them that their fears were well founded, and they used it to the fullest extent to write Ichabod over the door of every popular society. "The impression of the insurrection aided in smoothing down every asperity. It has been deep and effective, it is to be hoped" wrote Wm. V. Murray to James

<sup>76</sup> *City Gazette*, Dec. 23, 1794. The statement given in this paper is typical of the reaction of the societies to armed revolt.

<sup>77</sup> William L. Smith Papers.

<sup>78</sup> Governor's Letterbook, 1792-1795, Dec. 4, 1793, in archives of the North Carolina Historical Commission, Raleigh.

<sup>79</sup> Schoolbred Letterbook, p. 104.

<sup>80</sup> Schoolbred Letterbook, p. 70.



McHenry, December 16, 1794.<sup>81</sup> Of all the charges leveled against the Democratic societies this, their threat to the status quo, was far the most effective in weakening their power.

In the Southern states the societies lost favor, not only because of their revolutionary tendencies, but also because democratic ideas shook the foundations of the slave system. Negroes brought into the country from San Domingo had been exposed to the germ of freedom, Genet was considered "a friend of the blacks," and at one time the Republican Society of Charleston had offered a reward to any Negro who would divulge information concerning undemocratic intrigues of their Federalist masters.<sup>82</sup> In the same letter mentioned above James Schoolbred wrote that among other critical social factors in America was that of "An insurrection of the negroes which threatens the Southern States of which there is incontestable evidence of the intention." The Democratic societies might lead to the horrors of the West Indies being repeated on our shores! Discretion made disbanding imperative, a moderate democracy the wiser course.

Dr. S. K. Padover, a careful student of Thomas Jefferson, has raised the pertinent question as to how Jefferson won the election of 1800. According to this investigator, the third President made no campaign speeches and seemed to put forth little effort in behalf of his candidacy.<sup>83</sup> How then may one account for the victory? Could it have been the organizational groundwork laid by the Democratic societies? There is much evidence to support this clue. In the first place, it is not accurate to say that the societies disappeared after 1795. Some carried on, retaining the opprobrious name "Democratic,"<sup>84</sup> others used the less stigmatized name of "Republican,"<sup>85</sup> while still others, under the same leadership, dropped all other names for the relatively innocuous "town meeting."<sup>86</sup> By 1798 all these were toasting "Thomas Jefferson, our next President," and working actively, in

<sup>81</sup> Bernard C. Steiner, *The Life and Correspondence of James McHenry*, p. 155.

<sup>82</sup> Mangourit to Genet, Sept. 5, 1793, in the Genet Papers.

<sup>83</sup> This discussion was a product of a recent interview with Dr. Padover, author of a forthcoming book on Jefferson.

<sup>84</sup> For example, the New York society was meeting as late as July 4, 1799. *New York Journal*, July 6, 1799.

<sup>85</sup> Societies existed in Stamford and Norwalk, Conn. (*New London Bee*, Feb. 21 and Apr. 4, 1798), Philadelphia, (*Aurora and General Advertiser*, May 7, 1800), and Norfolk, Va. (*Norfolk Herald*, Oct. 2, 1798), from 1795 to 1800.

<sup>86</sup> Almost always the town meeting set up a committee of correspondence, and considered itself a part of a local, county, and state organization. The Federalists were probably right in believing the town meeting to be a system of "secret, affiliated societies" during the period when the Sedition Act was being ruthlessly enforced. See the broadside of a *Democratic-Republican Party Meeting* (Mt. Holly, 1800), photostat in New York Public Library; also John Lowell, Jr. *An Oration pronounced July 4, 1799* (Boston, 1799).



spite of the Alien and Sedition Acts, to bring about a change in the national administration. Moreover, in the elections of 1798 and 1800 leaders of the Democratic societies wrote and spoke for Republican candidates and for Jefferson himself.<sup>87</sup> Furthermore, the factor which appalled the Federalists was the closely knit organization which the Democratic-Republicans seemed to have to support them. Jedidiah Morse, Fisher Ames, and Hamilton were profoundly impressed with the "unity" and "system" manifested by the "Jacobins." They admitted that they were defeated organizationally.<sup>88</sup> The Democratic societies produced a party crystallization which won its first national victory in 1800. "Their organization of an active protest, their methods of propaganda, and their democratic faith were elements building the revolution of 1800."<sup>89</sup>

Advanced in principles for their own time, these popular societies shot up as sky flares to herald the victories of Jefferson, Jackson, and more democratic days to follow. But whether or not these organizations altered the course of elections or inaugurated spectacular changes in their period, to the student today they tell a part of the American story of the common man championing the right to freedom of speech, of the press, and of assembly.

<sup>87</sup> *Address to the Electors of the State of New York* (1798), broadside in New York State Library; Tunis Wortman, *A Solemn Address to Christians and Patriots* (N. Y., 1800).

<sup>88</sup> Jedidiah Morse to Wolcott, Apr. 4, 1800, Wolcott MSS., Vol. X, No. 31, in Connecticut Historical Society. Fisher Ames to Thomas Dwight, Apr. 28, 1801, in Ames Papers, Dedham Historical Society. James Nicholson to A. Gallatin, Apr. 20, 1798, Gallatin Papers, New York Historical Society. Here Nicholson quotes Hamilton as saying he "thought the devil was in the Republicans for industry and system."

<sup>89</sup> No less an authority than Frederick Jackson Turner gives the societies credit for bringing about a party "crystallization." (*American Historical Review*, III, 650.) Maude Woodfin, *Citizen Genet*, p. 487, is authority for the quotation given here. Geo. D. Luetscher, *Early Political Machinery*, pp. 77, 151, says that a main factor in Republican victory was the perfection of their machinery. "When the Republicans dislodged the Federalists in several pivotal states and in the nation, the latter party robbed of its patronage and without any organization, stood helpless before the Republicans who combined the newly acquired patronage and an effective machinery, the product of their minority day."



## RECONSTRUCTION LETTERS FROM NORTH CAROLINA

Edited by  
JAMES A. PADGETT

### PART II LETTERS TO JOHN SHERMAN

Another group of letters on Reconstruction in North Carolina is found in the papers of John Sherman, who was a Senator from Ohio. The main portion of this collection was presented to the Library of Congress in 1911 by Mr. Hoyt Sherman, Senator Sherman's nephew, acting for the Sherman estate. Additions from another nephew, Mr. Philemon T. Sherman, and from other members of the family from time to time have made this collection one of the largest in the Library of Congress. It consists of 612 volumes of correspondence, some unbound letters, and eight letter books. Sumner, Wade, and other die-hards made it clear that they and they only, with their radical brethren in the House, were to dictate the terms on which the conquered South should live. Sherman, although he believed in Congressional Reconstruction, belonged to a more moderate group of leaders. On this subject he maintained a voluminous correspondence with the Republican leaders in the North as well as with the scalawags and carpetbaggers of the South who usurped power in the late seceded states when the Confederate leaders were disfranchised. Consequently supplementary data may be gleaned from his correspondence with reference to North Carolina in those eventful days which will contribute to a better understanding of the apparent motives of those new leaders in the State who clamored for pecuniary and political advantages under Reconstruction.



Treasury Department,  
6<sup>th</sup> Third Special Agent.  
Newbern N. C.  
January 19<sup>th</sup> 1865

Hon John Sherman<sup>1</sup>

My dear Sir:

As an Ohioan of former years I desire to address you briefly, but frankly, on some matters of personal concern but in which the government has probably a still deeper interest. For more than Eighteen months the position I have held here as Agent<sup>2</sup> of the Treasury Department has been one of great labor & responsibility.

For a long time after my arrival here I was daily called upon to hold interviews with Natives, temporary residents & refugees. These interviews still necessarily continue. The impression that I come to discharge important civil functions<sup>3</sup> in concert with the Military authorities has induced this interest in my mission & thus brought me in personal intercourse with thousands. While I have kept steadily in view the pecuniary interests of the government I have deemed it a duty to take advantage of the favorable opportunity presented, to impress, to the extent of my ability, on the public mind proper sentiments with regard to the National Authority & the waneing institution of Slavery.

The recent gratifying announcement that your distinguished relative, Genl. Sherman,<sup>4</sup> has had North Carolina annexed to his command

<sup>1</sup> John Sherman was born in Ohio, where he received an education, including legal training, and became a leading attorney of his State. To supplement his income he engaged in the manufacture of doors, sashes, and blinds. The formative years of his life were spent amidst turmoil of political upheaval. Consequently he was forced to take sides in the great controversies of the times. He soon fell in with the Republican party of his State and helped organize that party in Ohio. He constantly preached economy and condemned graft in politics. He was in the House of Representatives from 1855 to 1861, he was in the Senate from 1861 to 1877, spending much of his time during the war organizing troops; he was Secretary of the Treasury from 1877 to 1881; and he was returned to the Senate in 1881, where he remained until 1897, when he was made Secretary of State to make a seat in the Senate for Marcus Alonzo Hanna. He was nominal Secretary of State until he resigned, September 25, 1898. He died, October 22, 1900. *Biographical Directory of the American Congress from 1774 to 1927*, 1518; *National Cyclopaedia of American Biography*, III, 198-201.

<sup>2</sup> As soon as a section of the South was conquered and a government was organized, a special agent of the Treasury Department was sent to look after the collection of the cotton and other taxes in that district. The duties of these agents were very difficult and annoying. George S. Denison was sent to New Orleans as agent and in his letters can be found an excellent picture of the work of these agents. Denison to Chase, *Annual Report of American Historical Association*, 1902, II; Denison Papers, Library of Congress. Many of these have been published by James A. Padgett in *Louisiana Historical Quarterly*, October, 1940.

<sup>3</sup> Lincoln, thinking that East Tennessee and North Carolina were the most loyal sections of the South, appointed, May 19, 1862, Edward Stanly to repair to New Bern and become military governor with the rank of brigadier-general. He was to appoint officers, establish courts, and institute a government as he saw fit. He had moved from the state to California in 1853 and could not conceive of the great change which had come over the North Carolina people in seven short years. He arrived in New Bern, May 26, where he found conditions just the opposite of what he expected. He closed a Negro school set up there by Northern people, and quarreled with Governor Vance, who would not co-operate with him or even answer his letter. Congress was hostile to him, for Lincoln had not submitted his nomination to the Senate; the natives resented his presence in the State; and he became so disgusted that he sent his resignation to the President, January 15, 1863. J. G. de Roulhac Hamilton, *Reconstruction in North Carolina*, pp. 5, 42, 87-90, 94, 94n, 99.

<sup>4</sup> William Tecumseh Sherman was born in Ohio, February 8, 1820, and died in New York City, February 14, 1891. He graduated from West Point; was with General Philip Kearny in the Mexican War; and resigned from the army in 1853, but soon lost out as a banker. While stationed at Fort Moultrie, he began the study of law and tried to practice it in Leavenworth, Kansas, after he had failed to get back into the army. He later sought to re-enter the army, but was again turned down. From October, 1859, to January, 1861, he was superintendent of a newly established military school at Alexandria, Louisiana. He entered the army as colonel and rose rapidly. His greatest work was his march through Georgia. He captured Savannah, December 21, 1864, and began his march north the first of February, 1865. He received the surrender of Johnston, April 26, 1865; retired from the army, November 1, 1883; and lived in retirement until his death. *Dictionary of American Biography*, XVII, 93-97.



renders it important in many respects for me to be placed on terms of proper & good understanding with him.

The laws of Congress and the Treasury regulations having made it necessary that Department Commanders and Supervising Treasury agents should hold interviews,<sup>5</sup> I have felt that it would not be improper for me to solicit such a letter from you to the General as might make our first meeting agreeable. We expect ere long to know that the General with his veteran legions treads the soil of North Carolina.<sup>6</sup> If consistent, therefore, with your views of propriety, you will confer a favor by forwarding me a letter to be presented at the proper opportunity.

The matter of "personal interest" that I feel emboldened to bring before you, is, that I should be gratified to have the influence of your name, along with my friends<sup>7</sup> in Congress from Minnesota<sup>8</sup> & other places, to secure my retention in this position after the 4<sup>th</sup> of March Next. If permitted to remain here, I feel persuaded that among other things, I can aid materially in bringing North Carolina back into the Union as a free State. My friend Gov. Ramsey<sup>9</sup> of the Senate and Mr. Donnelly<sup>10</sup> of the House can doubtless explain to your satisfaction that a little timely effort in this behalf would not be misplaced. Your honorable Colleague<sup>11</sup> in the Senate would doubtless, also, willingly give you the same assurance. Trusting the familiarity & confidence with which I have addressed you will be appreciated,

I am,

Very Truly Yours

D. Heaton<sup>12</sup>

<sup>5</sup> Congress plastered taxes over everything that could bear a tax; placed an income tax of ten per cent on all incomes over \$600, and an extra tax of five per cent for bounties for enlistments; required a license for every calling; and provided for a stamp on "every instrument or article to which a stamp could be attached. James Kendall Hosmer, *Outcome of the Civil War*, p. 129.

<sup>6</sup> General Schofield left General Thomas in Tennessee and went to the coast of North Carolina to march to Goldsboro where he was to meet Sherman. In his march north Sherman forced the evacuation of Charleston; reached Columbia, February 17, which was burned; and Marched to Goldsboro by the way of Winnsboro, Cheraw, and Fayetteville. After fighting the Confederates in two battles he reached Goldsboro, March 23, 24. He then went to City Point to see Lincoln and Grant, but was back in Goldsboro, March 30, for his march into the interior of the State. Appleton, *Cyclopaedia of American Biography*, V. 505.

<sup>7</sup> Morton Smith Wilkinson was born in New York, January 22, 1819; moved to Illinois in 1837; was admitted to the bar in 1842; and moved to Michigan the next year, and to Minnesota in 1847. He was a member of the first territorial legislature in 1849; served in the United States Senate from 1859 to 1865, and in the House from 1869 to 1871. After this he served in the state legislature and practiced law until his death, February 4, 1894. *Biographical Directory of Congress*, p. 1701.

<sup>8</sup> William Windon was born in Ohio, May 10, 1827; moved to Minnesota in 1855; and served in Congress from 1859 to 1869. He was in the Senate from July 15, 1870, to January 22, 1871, and from March 4, 1871 to March 7, 1881; was Secretary of the Treasury from March 8, 1881 to November 14, 1881; Senator from November 15, 1881, to March 3, 1883; moved to New York City in 1883; and was Secretary of the Treasury from March 7, 1889, until his death, January 29, 1891. *Biographical Directory of Congress*, p. 1718.

<sup>9</sup> Alexander Ramsey was born in Pennsylvania, September 8, 1815; was admitted to the bar in 1837; and after serving in the legislature he was in the House of Representatives from 1843 to 1847. He was territorial governor of Minnesota from April 2, 1849, to 1853; governor of the State from 1860 to 1863; and United States Senator from 1863 to 1875. After acting as Secretary of War from 1879 to 1881, and holding various other offices, he died April 22, 1903. *Biographical Directory of Congress*, p. 1441.

<sup>10</sup> Ignatius Donnelly was born in Philadelphia, November 3, 1831; was admitted to the bar in 1852; and moved to Minnesota in 1857. He was lieutenant governor, 1859 to 1863; was Representative in Congress, 1863 to 1869; and state senator, 1874 to 1878. He then practiced law, engaged in literary pursuits, was the vice-presidential nominee for the Peoples' Party in 1890, and died January 1, 1901. *Biographical Directory of Congress*, p. 914.

<sup>11</sup> Benjamin Franklin Wade was born in Massachusetts, October 27, 1800; moved to Ohio in 1821; taught school; studied medicine and law; was a state senator and judge in Ohio; was a United States Senator, March 15, 1851 to March 3, 1869; was president *pro tempore* of the Senate from 1867 to March 3, 1869, and was thereby in line for the presidency if Johnson had been removed; was a member of the Santo Domingo Commission in 1871; and died March 2, 1878. *Biographical Directory of Congress*, p. 1653.

<sup>12</sup> David Heaton was born in Hamilton, Butler County, Ohio, March 10, 1823, and after studying law and serving in the state senate he moved to Minnesota in 1857, where he served in the state senate



Greensboro Guilford Co N. C  
Octo 25<sup>th</sup> 1865

Hon<sup>ble</sup> John Sherman

Dear Sir

What would you think of the next Congress passing a Pacific Rail Road Bill,<sup>13</sup> Authorizing the Construction of a double track Truss Rail from St Louis, or Cairo. .by a Central Route. Via. Salt Lake, Colorado Territory to Sacramento or San Francisco. with a Capital of (\$200.000.000) Two hundred Million of dollars, which would be required at least to make a good complete perfect Road & outfit, with a Road way 3 to 500 feet wide. let private Capitalists subscribe  $\frac{1}{4}$  or  $\frac{1}{2}$  the Capital and allowed to Elect  $\frac{1}{2}$  the Board of Managers one Efficient Director to Each 100 Miles, and to Each 500 miles a Board of Managers, and the several Boards under the direction of a Commission or the "Secretary of the Interior"—And the Chairman of Each Board of (5) to form a Board with the Secy of the Interior at Washington to Make general Rules and regulations & to have general poweres, of Management.

The Charter to be Simple and Couched in plain language & well Classified. The Secretary of War to be authorized of to Enlist for 3 or 5 years say 3 hundred thousand able bodied "Freedmen" of the South to be employed in the construction of the said Road under Military regulation to pay reasonable rations & Clothing and Wages at 8 or 10\$ per Month the wages to be paid in public lands, or land Script, at one dollar or 1  $\frac{1}{2}$  dollars per acre. Negroes in this way could be Employed in grading and constructing the Road & kept in good subjection, and also be used in keeping Indians from depredations upon the work—Captains & non Comiss<sup>d</sup> officers Could be used as overseers, & Comiss<sup>d</sup> officers as Quartermasters & Comissaries, all of whom to be White citizens

The Iron, Motive power, & Rolling Stock all to be be [sic] made in this country, Rolling Mills & shops could be Erected at St Louis or at convenient points on the Mississippi & Ohio Rivers to commence laying tract and putting on rolling Stock, so as fast as the Road is

from 1858 to 1863. He became special agent of the Treasury Department and United States Depository in New Bern, North Carolina, in 1863; declined an offer to become third auditor of the Treasury in 1864; was a member of the North Carolina Convention in 1868, where he and his two carpetbag colleagues, Abbott and Tourgee, made many concessions in their rivals which greatly benefitted the State; and served in Congress from July 15, 1868, until his death, June 25, 1870. *Biographical Directory of Congress*, p. 1082; Hamilton, *Reconstruction*, pp. 253, 255, 264, 278n, 281, 335n, 376n, 405, 408-9, 492.

<sup>13</sup> In 1850 Douglass started the movement for a trans-continental railroad and after that time many bills were introduced in Congress with that idea in view. Part of the Kansas-Nebraska fight was over the question of a railroad to the Pacific. The homestead law of 1862, made the demand for a road into the great West more imperative. On July 1, 1862, Lincoln signed the charter for the first of these lines across the public domain, with the eastern part of the road to be constructed by the Union Pacific Company and the western part by the Central Pacific Company. They were to have a right of way 200 feet wide with extra land for sidings and the like, and free access to the timber and other material on government land. As amended in 1864, the act provided that these companies were to be given ten alternate sections of land on each side of the road, and a loan on second mortgage on the roads taken by the government of \$16,000, \$32,000, and \$48,000 per mile, depending on whether the road was to run through the plains, plateaus, or mountains. Some of the later grants amounted to half of the land on each side of the road for forty miles. The railroads received 155,000,000 acres of land from the government besides the immense amount of loans, much of which was never repaid. The construction of these two roads began in 1865 and they were joined in Utah by an elaborate ceremony, May 10, 1869. By this method 15,430 miles of railroad were constructed, but at an immense expense to the government. Many like Higgins believed that the government should construct the roads itself. Hosmer, *Outcome of the Civil War*, p. 133; Frederick L. Paxson, *History of the American Frontier*, pp. 413, 421, 427, 467-9; William Archibald Dunning, *Reconstruction, Political and Economic*, pp. 144-6; Arthur Meier Schlesinger, *Political and Social History of the United States*, pp. 265-6; James Kendall Hosmer, *Appeal to Arms*, p. 174.



graded and Bridged it could be opened for use in Extending & completing it & for public travel

Without going into further detail the above may serve for a general idea of its feasibility and a general plan for Management & construction.

Its Political bearing cannot be misunderstood. It would be a line of defence in case of war and Indispensible to Maintain the "Monroe doctrine," (Now Trampled on by the aid of France)<sup>14</sup> It would open a road to Vast Mineral Wealth known to our people & If opened more of the Metals would be retained in the hands of our people.

It would increase home trade & give Employment to a Vast Number of Emigrants, operatives and *all* classes of people, Which it is absolute necessary to busiy them about something to keep them from paupery & crime This is the time When of all others our people should have some work of great Magnitude to Employ them. It would help the finan'al Condition of the Gov't Surplus capital in legal tenders, would be invested in the work & in Various individual Enterprises growing out of it.

Secretary McCullough<sup>15</sup> [*sic*] I see thinks to fund the Tenders<sup>16</sup> & in hopes I suppose of sending Many to Europe. But they are better off here, It is a fact We know that in dropping the Expenses of the War We have a surplus, which being in the hands of Speculators is naturally Employed to depress public Securities for personal profit Suppose there is a redundancy [*sic*] of currency & you withdraw  $\frac{1}{2}$  of it will Specie take its place No, What then you effect a deadening effect on individual Enterprize and torpify all the arteries of home trade & Enterprize— Which is the very effect of *unemployed* Capital in Europe— Which sends her population to this Country for what she pauperizes— here they come to get Employ [*sic*] & get a home, cheap & by labour— Let this Country Encourage industry & Employment untill [*sic*] all her lands are sold & make her own goods, raise her own bread, Cotton Wool, &c & keep our whole population busy We need not depend on Europe for Coin or Metals— We will have all we need, and can get all we need, If we have too much power now. If we are to [*sic*] Strong, or going to [*sic*] fast like a horse or a Engine— Why cut off the feed to weaken & depreciate the animal Why not add work or load If we have strength use it. Our great object is to get strong The Capacities of our

<sup>14</sup> In order to collect some debts, a French, Spanish, and British expedition occupied Mexico, 1861-62. England and Spain withdrew after they were satisfied, but France, whose claims were largely fictitious, would not leave, but remained and sided with a political faction in Mexico. Napoleon III pretended to make friends with the Confederacy and the United States was too busy defending the Union to do more than protest. Maximilian, the brother of the Emperor of Austria, was placed on the throne. After the fall of the Confederacy, negotiations failed at first so Grant sent 52,000 troops to the Rio Grande under Sheridan. By an agreement Napoleon promised to withdraw his troops and, April 5, 1866, ordered his commanders to prepare for evacuation within a year and a half. Maximilian refused to leave Mexico and was shot by order of the government, June 19, 1867. John Spencer Bassett, *Short History of the United States*, pp. 589, 643.

<sup>15</sup> Hugh McCulloch was born in Maine, December 7, 1808, and died near Washington, D. C., May 24, 1895. He was admitted to the bar in 1832, but soon moved to Indiana and engaged in banking. He was made comptroller of the currency in 1863. After Chase resigned as Secretary of the Treasury in 1864 to go to the Supreme Court chief-justiceship, William Pitt Fessenden took his place but resigned at the first of Lincoln's second administration and McCulloch became Secretary of the Treasury, which position he filled with honor to himself and satisfaction to his country until March, 1869. After retirement from office he engaged in banking. *Dictionary of American Biography*, XII, 6-8.

<sup>16</sup> The government authorized \$450,000,000 worth of legal tender notes or greenbacks, but only issued \$432,687,000. They sunk as low as \$285 for \$100 in gold. The country did not return to the gold standard until the resumption act which provided for redemption of these notes in gold on January 1, 1879. Fractional currency or "shin plasters" were issued and postage stamps were used for change in many places. Bassett, *Short History*, pp. 575-6; Hosmer, *Outcome of the Civil War*. pp. 13, 17, 151.



Country are not Exhausted there is no need to check the prosperity of the land

Besides the Freedmen there is a large portion of our population you know depend on labour

The Freedman has been kept too ignorant to be qualified for self government. [*sic*] They are now idle generally. (Exceptions of course) But the former Master does not want to Employ his servant nor does the Negro want to labour for his old acquaintance— thinks he has done a good deal & C. Some are inclined to be industrious some not, some want to live Easy & wont work for reasonable wages

There is also a clamorous feeling about Voting<sup>17</sup> which is food for party politicians & fanatics. But if 3 or 4 hundred thousand of the Men Could be removed on to a public work & made Soldiers of for Its [*sic*] is better for them to work as soldiers than to be idle, that number would soon get them lands to locate their families upon & if the younger Classes are Educated soon say 3 or 5 years the Clamor about Negro suffrage would I believe Cease— a Southern Representation in Congress I believe would Vote for such a Bill. We should Build & controll [*sic*] our own Pacific Railroad, English [illegible] by British diplomacy. Such a [illegible]

I believe it would reimburse its Cost in 10 years after being fully opened & the Govt would sell Public lands to cover 5 times its cost—

Very Truly Your friend

Ben Higgins<sup>18</sup>

P. S. The papers speak of a party of English Capitalists having gone as far as Kansas on a tour of observation in Conection [*sic*] with Mining & Railroad interests. That it is said of them they are willing to Build the road If a charter & right of way is granted, to be sure they Would. Why? When Built it would be the Most Valuable Stock in the World. It would Controll [*sic*] all the through travel to Cal<sup>a</sup> besides an immense local travel and rates of fare Chag<sup>d</sup> on English Railways It would be a Stock as Valuable as the Pacific Steam Cos Stock which in ten years has reimbursed 3 fold its Stockholders, Also British Iron & Machinery would be used for over 100 Millions in Value. foreign population Could be Employed at 30 or 40 dolls per Man Each year, American or U S Bonds held in Europe Could be sole in N. Y for our Currency to Build the Work & Many advantages present to make a grand scheme of profit, by it.— Its Mordant Effect is like gold leaf, which hides the interior Motive

Our people Can Build railroads, they have Built embankments fortifications, Made Iron Steel— Cars Engins So Co Mating &c— We have all the Means at hand & manual power to Build the Road speedily

<sup>17</sup> Only the most radical began to talk of Negro suffrage as early as 1865; under the first Reconstruction act of 1867 it was required for electing members to the constitutional conventions, and ratification of the constitutions made by these conventions; the Fourteenth Amendment provided for reduced representation, if a class of citizens was disfranchised, in proportion to the total number of citizens; and the Fifteenth Amendment prohibited disfranchisement on account of race, color, or previous condition of servitude. Dunning, *Reconstruction*, *passim*.

<sup>18</sup> Ben Higgins of Greensboro was a prolific writer and a man of considerable inventive ability. In addition to his letters to Senator John Sherman on the subject of railroads, he wrote President Andrew Johnson a number of letters on the same subject. From Fisher Hill, Guilford County, August 13, 1867, he wrote Governor Worth that he had been engaged in the subject of railroads and minerals for over twenty years and for twelve years "I have been in the State." Johnson Papers, Library of Congress, *passim*; J. G. de Roulhac Hamilton, ed., *The Correspondence of Jonathan Worth*, II, 1020-34, 1053.



Why not apply our skill And Busy our labouring Class- there is no such thing as failure about it It cant Bankrupt, Any Body, Specie will be retained by it. It will being Specie into to [*sic*] the Country under our Management It will strengthen our own fortifications & Make us More formidable as a Nation & it will Stifle the French Emperor in schemes to plant a power in Mexico to obtain controll [*sic*] over the Metals & travel of Mexico as he has has [*sic*] in Africa, he now laughs at our Monroe Doctrine while he has coolly put his foot down on Continent- to show Braggadiers to the world Who are Curious to see the results

Do you not think Sir. The time has come when We (This Country) should look to our own business

We can Carry our own debt Without forreign [*sic*] Capital, or gold, or Specie payt, & we may yet in few years see them worse suspended

There is no objection to them holding our Securities but for Bankers & financiers to *peddle* them there & then Cripple our own industry to pay their Specie is bad policy & unnecessary, do you not think that if you protect industry & Manufacture & Encourage Enterprise, & let Skill & Energy compete for trade with in sale of our goods to other people that such would be the best policy, & the wisest, The South are Now a Completely, Submissive, humble Community. & will fall in with any general plan, a general caveing [*sic*] in so called a wandering Vagrancy

Very Truly &c B H

Raleigh N. C.  
Jany 29th 1866

Hon John Sherman

U. S. Senate.

Dear Sir: About the first of this month I was recommended by Hon S Shellabarger,<sup>19</sup> Judge Olin<sup>20</sup> Ex Gov Holden<sup>21</sup> Hon Gideon Reynolds,<sup>22</sup> and others for the Office of U. S. Assessor for this Dist. I left

<sup>19</sup> Samuel Shellabarger was born in Ohio, December 10, 1817, and, after studying law, he served in the state house of representatives, 1852, 1853. He was in Congress, 1861-63, 1865-69, 1871-73; was minister to Portugal, April 21 to December 31, 1869; was on the United States Civil Service Commission, 1874-75; and died, August 7, 1896. *Biographical Directory of Congress*, p. 1516.

<sup>20</sup> Abram Baldwin Olin was born in Vermont in 1808, and died in Washington, D. C., July 7, 1879. He graduated at Williams College in 1835, and after studying law and being admitted to the bar, he practiced in Troy, New York. He served as recorder for three years; was in Congress from December 7, 1857, to March 3, 1863; and was that year elected to the Supreme Court of the District of Columbia. Williams College gave him a LL.D. degree in 1865. Appleton, *Cyclopaedia of American Biography*, IV, 571.

<sup>21</sup> William Woods Holden was born November 24, 1818, and died March 1, 1892. He worked his way up from printer to editor although he had little systematic education. He was a leading advocate of secession and then began to switch about 1860. He attended as a delegate the Charleston and Baltimore conventions; was a member of the secession convention and favored withdrawal from the Union; backed Vance for governor and then broke with him; and ran for governor on the idea of withdrawing from the Confederacy. In May, 1865, President Johnson appointed him provisional governor of North Carolina; he was appointed minister to San Salvador, but Senate turned him down; he became a strong radical reconstructionist, and was elected governor in 1868; but he was impeached and removed from office after the Democrats swept the State in 1870. *Dictionary of American Biography*, IX, 138-40.

<sup>22</sup> Gideon Reynolds was born in New York August 9, 1813, and died July 13, 1896. He engaged in agriculture; was a member of the state assembly, 1839; sheriff of Rensselaer County, 1843-46; in Congress from 1847-51; and a leading agriculturist. He was active in the organization and conventions of the Republican party; was collector of internal revenue for the fifteenth New York district, 1862-65; and continued to take an active part in politics. *Biographical Directory of Congress*, p. 1454.



my papers with Doct R. J. Powell<sup>23</sup> State Agent for this State. last week the Treasury Department sent a Special Agent here to have Gov Worth<sup>24</sup> Recommend persons for the Offices of Collector & Assessor (who could take the oath,) the Gov Would not do it but refered it to the members of the Senate a majority of whom it is well known are Rebels, and they look upon any man that will take the oath as a disgraced Citizen, this I knew nothing of until the recommendations had been sent to Washington, my friends now advise me to appeal to the U. S. Senate & I take the liberty of doing so thro you and I hope for the good of the true and loyal union men of this state you will not confirm the nominations sent by Gov Worth. I have good reasons to believe that my recommendeation were never presented to the Sect'y of the Treasury,<sup>25</sup> I left this my native state as stated by Judge Olin & others in 1861 rather than give my adhesion to the Rebellion, When I returned in last Decr Gov Holden knowing I could to [sic] take the oath asked me if I wished the position of Collector of Assessor I told him I would like to be Assessor as I had some experience in that Office. The office does not pay enough to cause me to trouble for myself, but I do it because I deem it a duty I owe to the truly Loyal and Union men of the state. It is a sad truth sir that Gov Worth is under the influence of the secession element in the state and that the Legislature is largely in Sympathy with Vance<sup>26</sup> & Davis.<sup>27</sup> Rebel sentiments are on the increase and unless the Spirit of Rebellion is kept down by the Government true Union men cannot remain here, the good & true Union men are cowered [sic] and discouraged, I am glad to say Ex Gov Holden has come out & placed himself now squarely on the side of true Union party in Congress, as they say here with the Radicals.

As I am not personally acquainted with you, you will please excuse me for thus trespassing on yr time &c

<sup>23</sup> Robert J. Powell of North Carolina became a second lieutenant of the Second Infantry, December 1, 1839, but he resigned, January 12, 1841. When Johnson called Holden to Washington, Powell, a patent office employee, was one of the seven taken to the White House, and helped insert the name of Holden for governor. He was a go-between for Holden in seeking pardons, but said that a cousin of the Attorney General was a pardon broker in Washington. He investigated the telegram stating that Union men were discriminated against in appointment and that the State was disloyal and found it false. Francis B. Heitman, *Register of the United States Army*, I, 803; Hamilton, *Reconstruction*, 107n, 113, 114n, 116, 594n.

<sup>24</sup> Jonathan Worth was born November 18, 1802, and died September 5, 1869. He practiced law, engaged in planting and in turpentine, railroad, and plank road promoting, and became a leading political leader in North Carolina. He was in the legislature, 1860-61, and opposed secession as he had nullification nearly thirty years before, but after secession he supported the South. He was state treasurer, 1862-65, and was elected governor in 1865 and 1866, but was removed in 1868 by General Canby. He supported the new constitution in 1866, but opposed the Fourteenth Amendment to the Federal Constitution. He opposed Congressional Reconstruction, but was friendly to General Daniel E. Sickles. *Dictionary of American Biography*, XX, 536.

<sup>25</sup> Hugh McCulloch was Secretary of the Treasury. See note 15.

<sup>26</sup> Zebulon Baird Vance was born May 13, 1830, and died April 14, 1894, in Buncombe County, where he was born and reared. He studied law in the University of North Carolina and served in Congress from December 7, 1858, to March 3, 1861, and was elected to the 37th Congress, but secession prevented his taking his seat. While in Congress he supported the Union against the secession movement in the South; helped defeat the call for a secession convention in North Carolina; and worked for the Union until Lincoln called for troops. He organized a regiment and acted as its captain and then as its colonel; became governor in 1862 with the support of the old line Whigs; fled from Raleigh, April 12, 1865, but surrendered at Greensboro, May 2; and was imprisoned in Washington, D. C., until July 6, 1865. After the war he played a leading rôle in North Carolina political life. *Dictionary of American Biography*, XIX, 158-61.

<sup>27</sup> Jefferson Davis (June 3, 1808-December 6, 1889) was educated at West Point; served in the Black Hawk and Mexican wars; was in Congress, 1845-46, but resigned to enter the army again. He was in the Senate from 1847 to 1851 and from 1857 to 1861; was Secretary of War, 1853 to 1857; and was President of the Confederacy, 1861 to 1865. After being arrested and imprisoned in Fortress Monroe for two years he retired to his plantation and spent his time writing. *Biographical Directory of Congress*, p. 885.



I refer you to Hon S Schellabarger as I have for some time resided in his City. I hope you will give this matter your attention & call the attention of Mr McCulloch<sup>28</sup> to it.

Your Obt servant

W. B. Reid<sup>29</sup>

New Garden, N. C.  
4th mo 21<sup>st</sup> 1866 (March 21?)

John Sherman, U. S. Senator;

Addressed—

In looking over an account of the proceedings of Congress some weeks since I saw a notice of a bill introduced by some one proposing a grant of land to the "American Forest & Propagating Company."<sup>30</sup>

This was the first and only intimation I had of the existence of such a Company, but the object it has in view has long been one of great interest to me, and I hailed the announcement of the object with a feeling akin to enthusiasm. I longed to know something of the plans & working of the Company, but how was I to obtain information when I knew not the name or location of a single member, nor even the name of the Congressman who introduced the Bill? I must write to some member of Congress from my native State (Ohio) and I may possibly obtain some clue to the desired information by that means. The name of Senator Sherman suggests itself, and this must be my apology for troubling him.

I am, Very Respectfully,

J. Lewis.<sup>31</sup>

My address for the present is Box 156, Charlotte, N. C.

Greensboro, N. C. June 19/66

Dr Sir I take the liberty of Enclosing a diagram of a + Section of a Rail which I have been Cogitating upon for several years in My *leisure time* to Combine strength With Economy durability, [*sic*] and the adaptation of a Rail for Pacific lines or such princple lines of Trafic & Travel as require speed, & Telegraph. Communication Combined,

<sup>28</sup> See note 15, page 282.

<sup>29</sup> On January 13, 1866, B. S. Hedrick sent Governor Worth a list of persons recommended by the finance committee for office and asked his opinion. On this list was William B. Reid. Hedrick did not recommend him, however, but merely reported, "I do not know Wm. B. Reid, but he is said to be a young man of intelligence now living in Raleigh. His mother is Mrs. Reid of Raleigh," Hamilton, ed., *Correspondence of Jonathan Worth*, I, 470.

<sup>30</sup> This bill of B. Gratz Brown of Missouri would donate to "The American Forest Tree Propagation and Land Company" public land for conducting experiments and disseminating information respecting forest-tree culture and was calculated to prevent the destruction and encourage the production of forests in America. It was read twice by title, was referred to the committee on public lands, and was ordered printed. By unanimous consent, Representative Daniel Morris of New York, the same day, introduced a similar bill in the House, which, after its first and second readings, was sent to the committee on agriculture. On May 23, by unanimous consent, upon the motion of Representative John Bidwell of California the agricultural committee was discharged from further consideration of this bill. *Congressional Globe*, 39th Congress, 1st sess., 1865-66m I, i; II, 1588, 1605; III, 2772.

<sup>31</sup> After a careful search the editor has been unable to identify J. Lewis.



& to Evade the Electric Currents of the air, & breakage of wires by Rogues- & other Common Casualties, with the trouble and Expense of using Posts- by combining the wires with the Rail- First- a rail of this kind with 5 inches Elevation & 5 in Base, weighing about 90 <sup>lbs</sup> nett [*sic*] to a lineal yard, has as good proportionate strength as any form now used, it will keep in adjustment with less repair & has double the service with heavier Engines of any other Rail of the Common form in use, & for lines of Railway so isolated as the Pacific lines, it will be safe, not liable to be displaced & not Easily torn up, I propose to fix it in a chair on Each sill say 42 in apart, & to use *no* spikes, but a plug screw so arranged that it cannot be drawn only with a socket Wrench. Especially fitted for placing & displacing it, The thread of the screw is designed to hold (without drawing or slipping.) all the sill used, is Capable of having, This Rail has a Continuous bearing, it being in 2 parts. the joint in Either side Can always be Made 2, 3 or 4 sills apart The Cap of the Chair in which it is trussed Covers Each joint to within 2 inches of the Top of the Rail so as to shield the wires inside from being separated by any tool, it can be taken up in whole, or part by unscrewing Each section, on its side, Either for Examining the wires, or screwing the Rail- *No spikes are used* None are required, Neither is any other fastening necessary Nor Fishing the Ends, or riveting Needed, The Expansion & Contraction are free & do not displace the Rail- It is an Easy Model to Roll & being in 2 parts lighter to handle, & Easier laid on Curves than Common Rails, The diagram is full size & the Chamber for the Telegraph wires is large Enough for 16 or 20- insulated wires, which for a cheap plan & to keep dry, I propose winding them with threads or yarn made of Manilla to the size of  $\frac{3}{8}$  <sup>lbs</sup> of an inch, & saturate the strands *after winding* Melted Rosin, & then lay them (say 3, 5 or 7 as you please), into a slack Rope. The half of the Rail being set, & the Rope being placed in the Chamber. the other half of the Rail being put in place, & the Caps of the Chairs screwed down, it is safe, at switches & cross plates & stations it can be taken through the Bottom of the Rail by Chipping a hole (or by drilling), which is Easily done of the required size (& insert a glass ring) drop it 8 -10 or 12 inches into a Box or pipe underfoot in the ground & raise it where it is required, but if a gate switch be used, in the line, The Chamber may be made Continuous in the outside rail & through the + plate below the Frog- This mode of insulation is probable as cheap as suspending on Posts and the repairs nothing, Comparatively- its safety from lightening & Rogues well shielded. & dry, is just what is very desirable to secure & will save large Expenses, now incurred upon lines in use- how it will be viewed by others, or whether any thing similar has been adopted I do not know. And as I do not desire a patent, I freely give any Company the right to use it, If desired & is found any wise beneficial to them- you are therefore at liberty to offer it to whom you please, if you are disposed to do so- I will at any time send a Model of this Rail with chair plate & Cap & screw If desired, as I feel a deep interest in the success of Railroads & Telegraphs



chartered & Encouraged by the Congress of the U S in the present  
& former sessions

Very Truly & Respy

Your Old Friend

B Higgins<sup>32</sup>

Hon<sup>ble</sup> John Sherman  
Senate  
Washington  
D, C,

New Berne N. C.  
Dec. 17<sup>th</sup> 1866.

Hon John Sherman

Dear Sir:

I have observed with great pleasure and interest the decided stand taken by yourself and Senator Wade in favor of the Constitutional Amendment<sup>33</sup> submitted at the last Session of Congress.

I have now been in the South over three and a half years and while my republican sentiments are as unchanged and inflexible as ever, I regard the Amendment in question as the best, surest and wisest plan yet produced for a Satisfactory solution of the vexed problem of reconstruction.

I am well aware that for Several weeks past the Legislatures of Several of the Southern States have acted apparantly in the most insane manner<sup>34</sup> on this subject but am Confident if Congress will stand firmly by the Amendment as a finality, for a reasonable length of time, a marked change in Southern sentiment will take place.

Demagogues have for several months made decided headway against the Amendment by declaring Congress would not adhere to it. This, I well know. Why not prove to the world that these reckless secessionists no longer have a shadow of excuse for their obstinate & suicidal opposition?

<sup>32</sup> See note 18, page 283.

<sup>33</sup> The first civil rights bill, passed over the veto of President Johnson, April 9, 1866, sought to make the Negroes equal to the whites in the enjoyment of their civil rights. Thinking that the bill would be declared unconstitutional, certain leaders included some of the provisions of this law in the Fourteenth Amendment and others in the civil rights act of 1875. Wade and Sherman took an active part in forcing this amendment through the Senate. On January 22, 1866, the Reconstruction Committee reported to Congress a constitutional amendment providing for reduced representation when a portion of the people of a State were disfranchised on account of race or color. The House modified it and passed it, but the Senate rejected it. On April 30 the committee introduced a hodgepodge amendment, so framed and worded as to appeal to various classes and sections. After being amended it became the Fourteenth Amendment. The amendment defined citizenship; prohibited the states making laws to abridge privileges or immunities of citizens, or depriving a person of life, liberty, or property without due process of law, or denying any one equal protection of the law. The second section based representation and electoral vote on population, but reduced representation proportionally to the number of citizens disfranchised. The third section disfranchised certain classes of people who had participated in the rebellion, but they could be pardoned by a two-thirds vote of Congress. The fourth section legalized the federal debt, but prohibited the payment of the Confederate debt or reimbursement for slaves. The last section gave Congress the right to enforce this amendment by appropriate legislation. John W. Burgess, *Reconstruction and the Constitution*, pp. 73-80; *Congressional Globe*, 1866, *passim*.

<sup>34</sup> About a month after the amendment was submitted to the states, Tennessee ratified it and the Congress soon thereafter declared the State reconstructed. Before January 1, 1867, all the other late insurrectionary states except three (and these soon followed suit) overwhelmingly defeated the amendment. The most favorable vote for it was in the lower house in North Carolina where it received ten out of 103 votes. Burgess, *Reconstruction*, pp. 106, 108, 82, 83; Archibald Dunning, *Reconstruction, Political and Economic*, p. 83.



In my Judgement the ratification of the Amendment will bring peace and quiet to the distracted South, and in good time result in the permanent establishment of those great principles of Justice & equality before the law, for which the earnest friends of freedom have so long contended.

I have already made known my Sentiments on this Subject to the able Senator from Minnesota, Gov. Ramsey,<sup>35</sup> and if they are considered of sufficient interest, you will be good enough to hand the letter to your venerable Colleague, Senator Wade.

Very truly yours

D. Heaton<sup>36</sup>

Greensboro N C Jan 14 67

Hon John Sherman

You will please accept of my many greatful [*sic*] acknowledgments, for the kindness you have manifested toward me in presenting the books and documents to my address under your frank.

I most sincerely wish that the day is not far distant, when I may be able in some way to return the favour And until then I beg to subscribe my self your much obliged and obedient servant—

D. F Caldwell<sup>37</sup>

Hon J Sherman  
Washton [*sic*] D C

Greensboro N C Jan 18, 67 [placed Jan 15]

Hon John Sherman

Dear Sir: You may possibly have become weary of my epistles — if so, be kind enough to bear with me, as I am prompted by disinterested & patriotic motives, in all I say to you I rejoice to say that since the visit of the Radical Committee to New Orleans,<sup>38</sup> Our people begin to hope that it may be that many of the most radical members of Congress are not influenced by revenge in all the appearantly [*sic*] rash measures that they are passing in Congress— “That they are only *honestly mistaken & C & C* And that lust so they may think of us And

<sup>35</sup> See note 9, page 280.

<sup>36</sup> See note 12, page 280.

<sup>37</sup> David F. Caldwell represented Guilford County in the Igeislature, 1848-58, 1864, 1865; was in the convention of 1875; and was in the state senate in 1879. President Lincoln had his North Carolina proclamation prepared at the time of his death and Caldwell said that he, Worth, and Holden were all considered for governor, but that Worth would have received the place. *North Carolina Manual* (1913), pp. 434-5, 449, 882; Hamilton, *Reconstruction*, pp. 108n, 281n.

<sup>38</sup> The Reconstruction Committee divided into sub-committees and collected much evidence, which, according to the majority report, demonstrated that conditions in the South were frightful, that the “rebels yielded because they could no longer resist,” and that they showed “no repentance” and “no regret.” By 1866 the ex-Confederates were in power in Louisiana in most instances, but the radicals wanted the constitutional convention of 1864 to reassemble and grant Negro suffrage. The administration in Washington did not approve calling a new convention. Some of the members of the convention of 1864 met, July 7, 1866, and called the old convention to meet, July 30. Mayor Monroe and the lieutenant-governor opposed it. Negroes marched to the hall while the whites hooted and jeered. Bricks were thrown and then shots were fired. The police even shot into the hall and fired at those who escaped. Some 200 casualties, of which not more than a dozen belonged to the police and their supporters, resulted. This gave the radicals their best chance to prove that the South opposed the Negroes. It was taken up in the Philadelphia convention, August 14, 1866. James Ford Rhodes, *History of the United States*, VI, 85-6; Burgess, *Reconstruction*, pp. 93-98.



I hope this may be so Be that as it may I do from my heart rejoice to say— that since Bingham<sup>39</sup> speech our people begin to feel it is possible for us to Come together as Brothers on some sort of fair Trust honest honorable and hearty compromise— And just peace suffers me to say that a near relation of mine D<sup>r</sup> A C Caldwell who is an emenent [*sic*] M D of this place, being threatened with *consumption* resolved to remove to Florida, where he has been for some time past, has just returned and will in the latter part of this month remove to that place he has purchased, and take most of the servants he owned with him He is delighted with the contry [*sic*] And says that Negroes by 10 of thousands were flowing into that state and the people are welcoming them Many of the planter [*sic*] are now in S C & in this state endeavoring to get hands as they are from Arkensaw Mississippi &c They offer 15 dollars per month and 4 lbs of Bacon and a peck of meal for hands this is far more than they can make in this state— for on our poor lands no farmer can afford to give any such *prices* The result is that many very many are going so great is the flow southward, that many of the *Negroes haters* among the proudest portion of our people are beginning to fear that we will have no *labouers* [*sic*] *left* especially is this the case in some portions of this state & in S C — Today I appeared for a colored woman in a case for damages for an assault & battery, before Judge Ship<sup>40</sup> & received [*sic*] \$50 damage And I wish you could have heard the arguments and charge of the Judge You then would feel that our people have been oppressed with *fear* & *not hate* of or from the negroes This emigration [*sic*] Southward has done more to relieve and cheer our people than all else It is the only move that the Freedmen Bureau has made that has told for good and as sure as I live, and you may confide in what I say, it has proved a *ten pin strike* Let the Republicans keep up this more— encourage & aid the Negroes to move South and in every direction especially from *South Carolina* and *Virginia* and my heard for it you will soon hear a different song from the South especially from the states I have named I assure you that this emigration move has done more to relieve and cheer our people than all the threts [*sic*] of confiscation reorganizing & C & C— You will remember Gov Worth, as honest an old Quaker as lives, and as true a Union Man as is in the Union, recommended this thining process and now that it is being carried out in this state, by many planter [*sic*] coming in & posting great hand bills all over the contry [*sic*] offering hands the prices I have stated and many of the colored men are accepting the offers— they begin to see that the negroes will not continue to hang about our town & pilfur [*sic*] but may be induced to labour and this is a great comfort & relief to all right feeling & intelligent men As a true friend to evry move that is calculated to improve the condition of the Negroes give stability to the Union and bring repose to the

<sup>39</sup> John Armour Bingham was born in Pennsylvania in 1815, and died March 19, 1900. He was admitted to the bar in 1840; was district attorney in Ohio, 1846-49; was in Congress, 1855-63, 1865-73; served as judge advocate in the army; and was solicitor for the court of claims. He was special judge advocate at the trial of the assassins of Lincoln, and was a member of the committees of military affairs, of Freedmen, of Reconstruction, of claims, and of the judiciary. He was one of the managers at the impeachment trial of Johnson; was minister to Japan, May 3, 1873, to 1885; and was recalled by Cleveland. *Biographical Directory of Congress*, p. 702; Appleton, *Cyclopaedia of American Biography*, p. 263.

<sup>40</sup> William M. Shipp was a man of ability and good reputation. He was elected to superior court judgeship in 1865; was nominated for the same position in 1868 by the Democrats; two years later he was nominated for attorney general and won by a majority of 4,221; and he was considered for governorship by the convention of 1872, but he and Josiah Turner withdrew. Hamilton, *Reconstruction*, pp. 145n, 280n, 493, 495, 521, 558, 585, 591.



country— I declare to you that this emigration [*sic*] movement has done more to restore the Union and to give importance to the *freedmen* than all that has yet been done. Our people owing to the vast number of paupers— thieves and town lungers [*sic*] among the Negroes, have most wonderfully depressed— especally [*sic*] when they looked to the proceedings in Congress— But though I have suffered more, than any man in the state for my *Union sentiments*, for my Union sentents [*sic*] *perhaps*,— I will say, for it is true our people— have not and are not hostile to the Union— Most of those called disloyal, are far more honest in their views, than many of their opponents— They have feared & not with out cause that the Negroes would continue to prove a great nuisance and burden to us— and ultimately *rot out*. Hence they have become unyielding in their opposition to the Course of the more Radical members in Congress. But since this Call from the south for labourers, and many of the *lofers* from necessity it may be, are emigrating in that direction— it cheers the hearts of many and gives hope for the future. And my mind for it if the Bureau<sup>41</sup> will keep up this move there will be many Republicans in this state— especially if we are soon let into Congress. You may be tempted to believe that I am not sincere in what I have written— If so— I ask you, as a favor to enquire of any prominent man from this state as to my standing, character standing— and especially should you deem it expedient— *probe & scrutinize closely my Unionism* and I think you will find me worthy of your confidence. I have been ruined by the war thogh [*sic*] a Union man— I have been saled [*sic*] for my Unionism— by the Confederacy— then by the Federals by *Emancipation and repudiation*,<sup>42</sup> still I am a Union man— and one that asks no *office* nor do I crave the Govement [*sic*] to arest [*sic*] or punish any one— let our member in to Congress and I assure you secession is dead as a macrill [*sic*]. And as strong and as dispised a Union man as I was during the war, I am not as alarmed— about my standing & popularity for 20 years I have always been elected to any and all offices or positions that I have asspired [*sic*]— and *I know I can be again* and so can any honest and Consistent Union man but not *Weather cocks— & rascals* I have hastily endeavored to give you the

<sup>41</sup> During the war various agencies had been created to care for the freedmen, and by an act of Congress, March 3, 1865, these were all consolidated. The act of 1866 enlarged and extended it, but Congress had to pass it over the veto of the President. It furnished food and clothing for the needy Negroes; helped them find employment; located them as homesteaders on the public lands; and supervised their labor and other relations with the whites as well as providing hospitals and schools and looking after their civil rights. This elaborate organization was in the War Department under the direction of Oliver O. Howard, with an assistant in each of the ten districts of the South and a large number of other officers in each district. It was accused of being unconstitutional, unnecessary, engaged in party politics, and mixed up in graft and mismanagement, as well as fomenting race hatred and advancing the Negroes over the whites. It was to end June 16, 1868, but various acts of Congress kept it alive until June 30, 1872. James Truslow Adams, ed., *Dictionary of American History*, II, 335-6.

<sup>42</sup> The law of August 6, 1861, permitted confiscation of private property which had been put to hostile use and declared forfeited all claims to the labor of slaves who bore arms or worked in military or naval service with the permission of their masters. By the act of July 17, 1862, most of the ideas of John Fremont and David Hunter were included and allowed confiscation of property of local, state, and Confederate officers, both civil and military. Other people aiding the South had sixty days in which to reassert their allegiance to the United States. By acts of March 12, 1863, and July 2, 1864, the confiscated property could be recovered within two years after the cessation of hostilities. Under these acts property was declared abandoned if the owner was absent and assisting the Southern cause. Less than one-fifth of one per cent of the Southern property was confiscated and cotton furnished at least ninety-five per cent of that. The radicals proposed to confiscate plantations in the South, proscript the leaders, enfranchise the Negroes, and postpone political reorganization until the Union party was assured the ascendancy. The administration was opposed to this; amnesty excepted many classes, but they could be pardoned; and the Attorney General ruled that property confiscated under the confiscation acts must be returned to the owners when they were pardoned. Negro suffrage was doomed until Congress pushed aside Johnson and set up Congressional Reconstruction, but the Southern states soon found ways to control the Negro voters. James Truslow Adams, ed., *Dictionary of American History*, II, 15; Dunning, *Reconstruction*, p. 42.



true signs of the times, hoping that it might prove interesting to you & perhaps have a good effect in mellowing down the unjust prejudices that have been gotten up against many of our people, if not all of them, a large majority I declare before God to be as patriotic and honest a people as the sun has yet shown upon— Hoping that you will not take offence at my frequent epistles I beg to remain yours truly

*D F Caldwell*<sup>43</sup>

W. W. HOLDEN & SON,  
EDITORS AND PROPRIETORS.

OFFICE  
NORTH-CAROLINA STANDARD,<sup>44</sup>  
HARGETT STREET,  
RALEIGH, N. C., Feb. 23, 1867.

Hon John Sherman.

Dear Sir: As the bill recently passed to reconstruct the Southern States is likely to become a law,<sup>45</sup> and as the loyal people of this State propose to take action immediately under it, there are some points as to which I would be glad to have your opinion.

The present State governments<sup>46</sup> are, I take it, illegal and can have no binding effect on the people. Do they cease at once to exist, or are they simply tolerated, the military commander "allowing" their local civil tribunals to take Jurisdiction, &c? Or are the governments to be hereafter formed by the people to be deemed provisional?— and are the local civil tribunals of those governments the ones referred to?

I would be much obliged to you, Sir, for your construction of the act at the earliest moment convenient to you. The loyal people of this State desire to act immediately. They believe that they can call a

<sup>43</sup> See note 37, page 289.

<sup>44</sup> *The North Carolina Standard* was Holden's newspaper and through it he expressed his ideas. *Union List of Newspapers*, p. 502.

<sup>45</sup> For nearly two years after the close of the war Congress would not reconstruct the late insurrectionary states nor would they permit the executive to do so. Thaddeus Stevens introduced a bill in the first session of Congress which met in 1865, which provided for Congressional Reconstruction, but it was not pushed until January 3, 1867, when Stevens, thinking the time ripe for pushing it, called the bill up and had it referred to the Joint Reconstruction Committee. After being amended it became the first Reconstruction act and was passed over the veto of Johnson, March 2, 1867. It abolished the governments in the seceded states; set up a military government in all the states of Confederacy except Tennessee with an army officer with the rank of brigadier-general over each of the five districts, who had very extensive powers. To escape from military rule a state had to accept Negro suffrage, vote on calling a convention, select delegates to the convention, make a constitution providing for Negro suffrage, have the constitution approved by the electorate that voted for the convention, have the constitution accepted by Congress, and have the first state legislature which convened ratify the Fourteenth Amendment. After all this was done and the Fourteenth Amendment had become a part of its constitution, the state could be declared reconstructed and its members in Congress seated. John Spencer Bassett, *Short History of the United States*, pp. 609-610.

<sup>46</sup> By December, 1865, Lincoln and Johnson had reconstructed all the southern states except Texas, which was soon reconstructed also. These states held conventions, repealed the ordinance of secession, and all except South Carolina and Mississippi had repudiated their war debts. All these States except Florida and Mississippi had adopted the Thirteenth Amendment and all except Florida had elected Senators and Representatives, but Congress refused to seat these men. These governments existed until they were gradually replaced by the military governments set up by the Reconstruction acts. They were not replaced by the military governments but the two sought to operate side by side. By the supplementary acts of March 23 and July 19, 1867, the military governments were given almost complete power. Dunning, *Reconstruction*, pp. 95-9; Burgess, *Reconstruction and the Constitution*, pp. 31-41.



Convention, frame a Constitution, and elect members of Congress in time to be admitted next December.

With high respect, Your,  
W. W. Holden.<sup>47</sup>

Raleigh March 6/67

Hon John Sherman

The last hope of the South is gone. I had confidently looked to you—not as a friend to the South, for no friend of the Union could be a friend of rebellion—for the exhibition [*sic*] of that magnanimity to a fallen foe which characterizes your gallant brother, W. T. Sherman.<sup>48</sup> How could you impose Colored suffrage<sup>49</sup> upon states where it will be destructive to every body & every interest, when it is denied to the same class in your own state where it could injure nothing? How could you sanction a bill reducing your own race to slavery and placing the legislative power in the hands of citizens entirely ignorant of any kind of principles of any kind of government? Nothing better was expected of Sumner,<sup>50</sup> Wilson,<sup>51</sup> Chandler,<sup>52</sup> Howard,<sup>53</sup> Cameron<sup>54</sup> & Henderson,<sup>55</sup> but to yourself, Trumbull.<sup>56</sup> Wade<sup>57</sup> and all the distinguished representatives of the great West the South did look for protection against New England hate & for defence of the great

<sup>47</sup> See note 21, page 284.

<sup>48</sup> On April 18, 1865, Sherman gave Johnston most liberal terms of ending hostilities, but Stanton refused to accept this agreement. Grant went to Raleigh where he met Sherman and the latter then notified Johnston that he would have to surrender and Johnston did so. Rhodes, *History*, V, 165-171.

<sup>49</sup> He here refers to the Negro suffrage provision of the Reconstruction act. See note 45, page 292.  
<sup>50</sup> Charles Sumner was born January 6, 1811, and died March 11, 1874. He and Thaddeus Stevens were the leaders of the radicals during Reconstruction. He helped found the Free Soil party and then switched to the Republican party. He served in the Senate from April 24, 1851, until his death. *Biographical Directory of Congress*, p. 1586.

<sup>51</sup> Henry Wilson, a noted leader in American political life, was born in New Hampshire, February 16, 1812; moved to Massachusetts; and later became a leader in the Free Soil party. From January 31, 1855, to March 3, 1873, he was a Senator from Massachusetts and was Vice President from that date until his death, November 22, 1875. *Biographical Directory of Congress*, p. 1713.

<sup>52</sup> Zachariah Chandler was born in New Hampshire, December 10, 1813; moved to Detroit, Michigan, December, 1833; and entered into the mercantile business. He became mayor of Detroit in 1851; helped organize the Republican party in 1854; and served in the United States Senate, March 4, 1857, to March 3, 1875. He was Secretary of the Interior, October 19, 1875, to March, 1877; chairman of the Republican National Committee, 1868 and 1876; and United States Senator from February 22, 1879, until his death, November 1, 1879. *Biographical Directory of Congress*, p. 801.

<sup>53</sup> Jacob Merrett Howard was born in Vermont, July 10, 1805; studied law; and moved to Detroit, Michigan, in July, 1832. He was in the state legislature in 1838; in Congress, 1841 to 1843; attorney general of Michigan, 1855 to 1861; United States Senator, January 17, 1862, to March 3, 1871; and died, April 2, 1871. *Biographical Directory of Congress*, pp. 1118-19.

<sup>54</sup> Simon Cameron was born in Pennsylvania, March 8, 1799, and died there, June 26, 1889. He was editor, cashier of a bank, president of two railroad companies, and adjutant general of Pennsylvania. He was United States Senator, March 13, 1845, to March 3, 1849, from March 4, 1857, to March 4, 1861, and from March 4, 1867, to March 12, 1877. He was Secretary of War, March 11, 1861, to January 11, 1862, and was appointed minister to Russia, but resigned, November 8, 1862. *Biographical Directory of Congress*, p. 780.

<sup>55</sup> John Brooks Henderson was born in Virginia, November 16, 1826; moved to Missouri in 1832; served in the state house of representatives, 1848-56; and was United States Senator from January 17, 1862, to March 3, 1869. He was special United States attorney to prosecute the whiskey ring in St. Louis, 1865; was commissioner to hostile Indians, 1867; and died in Washington, D. C., April 12, 1913. *Biographical Directory of Congress*, p. 1086.

<sup>56</sup> Lyman Trumbull was born in Connecticut, October 12, 1813, and after studying law began to practice in Greenville, Georgia. He moved to Illinois; served in the state house of representatives, 1840; was justice of the supreme court of Illinois, 1848-1853; and was elected to Congress in 1854, but before taking his seat he was elected to the Senate where he served from March 4, 1855, to March 3, 1873. He died in Chicago, June 25, 1896. *Biographical Directory of Congress*, p. 1629.

<sup>57</sup> See note 11, page 280.



principles of Constitutional government— Are we doomed to disappointment?

Your admirer

L E Jones<sup>58</sup>

Greensboro N C March <sup>the</sup> 8 67

Hon John Sherman:

Dear Sir You will pardon me I trust for wishing to say a few things to you in *confidence*. And in the out set you will excuse me for saying a few words in relation to my self I will be as brief as possible I assert with out the least fear of contradiction that my record, as an old line Whig and union man from my youth up to this moment is as good if not better than that of any other man in this state I denounced *secession and secessionists* before the war and after it comenced [*sic*] more loudly than any other man in this state as long as I dared to open my mouth This you will find on enquiry to be so For the active part I took in this part I was *mobed* [*sic*] before the war comenced [*sic*] as Gov Worth who spoke with me at Brush Hill will testify Then I was shot at and wounded in 1864 by a crowd of soldiers, for speaking at a peace meeting in this place— and came in an ace of loosing my life Then again I was forced to with draw from the Presbyterian church for opposing alone a motion to send the church bell on to Richmond to be molded into cannon— After this, having spurned all offers to receive any offices from the Confederat Government I was conscripted, though I lacked but two months of being fifty years of age in 1864 [*sic*] and carried with the rest of my neighbors to camp Those men who I had had the honor of representing for 20 years in various ways, and when ever and for what ever I asked them. Against my oft repeated protest elected me their *captain* When this became known to the authorities, a petition was sent up to head quarters and I and all my subordinat [*sic*] officers were turned out as being *traitors* and disloyal to the Confederacy— and when I went to Richmond I was required to take the oath of loyalty And when I was mustered into service especial orders was sent to put me on guard two nights in succession and giving me but one to sleep— and also to put me on guard every sunday My rations was  $\frac{1}{4}$  lb of bacon bone and all and 1- $\frac{1}{4}$  lbs of molded [*sic*] and flower [*sic*] per day Now when I tell you that I had suffered greatly for eight years with the dropsey you can judge something of my situation— better perhaps than words can describe Finding that I could not stand that treatment long I wrote a circular to my old constituents declaring myself a *peace candidate* for the Legislature from this Conty— This circular the printers supressed [*sic*] or did not print until after the election, at least I did not recieve it until after the election indeed he was ordered not to print it— This fact becoming known, it created some little sympathy in my behalf The main candidates (as I have since been told, by a young man who was there in the Conscript office) met and consulted with the Conscript officer and told him that such was my

<sup>58</sup> The editor has been unable to identify L. E. Jones.



personal popularity and the sympathy felt for me, that I was retained in the army, I would be elected and they begged [*sic*] him to send on and get me a furlow and if I attempted to canvass the county, being a rash and impulsive and out spoken man I would soon be cowed with silence or put out of the way. And soon the furlow came and I canvassed the county and spoke more boldly than any other man ever did under similar circumstances. This unscrupulous [*sic*] master followed me round with a band of soldiers. I was again mobbed [*sic*] by these men and other ruffins twice and prevented from speaking twice. But as elected by 114 majority. If you but new [*sic*] the odds [*sic*] I had to contend against and all the circumstances you would be constrained to confess that it is a miracl [*sic*] that I am now in the land of the living. I went to the Legislature and there did all I could to mend up the union and to restore the union and bring about peace. This the journals will show after the surrender. Gen Cox<sup>59</sup> now Gov of your state came to me with some other gentlemen and urged upon me to call a public meeting and to canvass the county and take strong ground for the administration and what ever policy that should be proposed. I did this and soon the Union men were in a glow of excitement [*sic*] and all was enthusiasm and the secessionist and ultra war men—sluck away and one of the most prominent of them told a Union man that they were so hated he would have to leave the State & C. All the people took the oath that was permitted [*sic*] with a rush. I was elected to the Convention and we did all that was asked and required<sup>60</sup>. And I do know that such men were elected that we had confidence in as loyal Union men. I was afterwards elected prosecuting attorney [*sic*] for this district and have held it till now. I am ousted & deprived of my seat. Well I do not complain. I am willing to do and suffer any thing all most for the country. And I know, and I hope you will believe me when I declare to you, that though I and my relatives have, many of them little orphan children, have impoverished by this depredations of the Confederates, Confiscation and repudiation<sup>61</sup> (which broke all out backs, and ruined thousands who would not take confederate money but hord up the Bank bills) I am writing for officers of public favors. Indeed I do not expect to apply to Congress for pardon—for before God I feel that I have said and done nothing to ask pardon for. And were I to do so I do not know that it would avail anything, for the whole effect seems to be to worry [*sic*] the Negroes and a certain class of foreigners and natives against the *ex slave holder* which by the time our autumn elections come off will I fear rap the whole south in flames & bloodshed I trust, however that I may be mistaken in this, but such I assure you are the

<sup>59</sup> Jacob Dalson Cox (October 27, 1828-August 8, 1900) was born in Montreal during the temporary residence of his parents in that city, but soon returned to New York. He moved to Ohio where he read law, taught school, took an active part in the war, and rose to be major-general of volunteers. In early 1865 he was sent to North Carolina where he defeated Bragg's troops and effected a juncture with Sherman at Goldsboro. He opposed Negro suffrage, advocated the forceful segregation of Negroes, favored Johnson's plan of Reconstruction but broke with him on account of his obstinacy, and refused the post of commissioner of internal revenue. He was Secretary of the Interior under Grant, but was forced out, October 5, 1870, on account of his civil service ideas and the policy of Grant relative to Santo Domingo and became a leader in the Liberal Republican movement. He was a noted business man and writer; was president of the Wabash Railroad; served in Congress, 1877-79; was a dean of Cincinnati Law School, 1881-97; and served as president of the University of Cincinnati, 1885-89. *Dictionary of American Biography*, IV, 476-8.

<sup>60</sup> This convention changed the constitution of 1835 so as to comply with the requirements of Congress. D. F. Caldwell was a member of this convention. *North Carolina Manual* (1913), p. 882.

<sup>61</sup> He here refers to the depredations committed on those who favored the Union, the confiscation of their property, and the repudiation of the Confederate debt and state debt.



present indications And now for the main object of this letter And as I am a distant relation of Thomas Ewing<sup>62</sup> of your state, with whom your family I understand is in some way connected by marage [*sic*], I shall venture to speak plainly and in confidence and as God is my Judge from no other purpose than to do something [*sic*] to aid in saving our Country I repeat I speak for no other purpose

You will see that *Holden* has had a meeting<sup>63</sup> and *named* certain [*sic*] men in each county, to convene in Raleigh on a certain day to take steps to call a convention &C Now I am thoroughly acquainted with a'll the public men in this state, and while many of these men are good & true men there are many others who are reckless & about as consistent as Holden himself and not one of them I presume can take the test oath & not one in ten will be permitted [*sic*] to vote for delegates to the proposed convention It is in this way that the most reckless and bad man is ever thrusting himself as the especial agent of the govement [*sic*] and assuming the dictation ship of the state What more right has he than I and thousands and tens of thousands of others to call a meeting and name certain men in all the counties to meet here in Raleigh and call a convention to amend the Constitution of the State He has jumped into this way because he knows he is odious and hated by nearly every body with the view of mending his reputation and making a certain class believe that he is and will be hereafter the mouth piece of the Republicans Now I appeal to you as a true and consistent Union who has never had a crum of treasury paper<sup>64</sup> nor ever expect to get one— to save our people from the bitterness of all curses— dont I beseach you, if you desire peace and order suffer this man thus to harass [*sic*] in this way— If Congress will not let our present Legislature call a convention do I pray you— designate some one or more men of good standing in this state to attend to this important matter who can vote *themselves* I think the more you reflect upon this matter the more important you will find it to be for the future pease [*sic*] and quiet of this state Think of it do The truth as the greatest objections, often removing suffering, that I have brought against the convention is that it will be managed by Holden and that he will have it so arranged that the constitution will exclude every body nearly and that he will be elected Governor & petition Congress to pardon all his friends & against all others Indeed this is the popular idea While he was Governor before<sup>65</sup> he petitioned and got Bob Bradges<sup>66</sup> Judge Manley<sup>67</sup> and many others of the more reckless secessionst pardoned and appointed them to office and refused to petition or recommend some of the best

<sup>62</sup> Thomas Ewing was born in Virginia, December 28, 1789; moved to Ohio in 1792; and became a lawyer. He was a United States Senator, 1831-37, Secretary of the Treasury, March 5 to September 13, 1841; Secretary of the Interior, March 8, 1849, to July 23, 1850; and Senator, July 20, 1850, to March 3, 1851. He was a delegate to the peace conference in 1861. He was appointed Secretary of War by Johnson, February 22, 1868, but the Senate refused to confirm him. He was an outstanding business man; urged federal supervision of flood control on the Mississippi; and died, October 26, 1871. *Biographical Directory of Congress*, p. 954.

<sup>63</sup> Holden took the lead in this movement, hoping to build up a party of followers in order to be elected governor under the new order. *North Carolina Standard*, *passim*; Hamilton, *Reconstruction in North Carolina*, *passim*.

<sup>64</sup> The United States issued treasury notes in the War of 1812 to the amount of \$26,000,000; between 1837 and 1844, issued \$47,000,000; in the Mexican War, \$26,000,000; in the 1857 panic, \$53,000,000; and in the Civil War, large issues. The legal tender notes were called Greenbacks. The government also issued demand notes, as well as fractional currency or "shin plasters," and postage stamps for change. J. Franklin Jameson, ed., *Dictionary of American History*, p. 507.

<sup>65</sup> President Johnson, May 9, 1865, called Holden to Washington, but it was May 18 before he arrived. D. L. Swain, B. F. Moore, and William Eaton had been called before and they took John H. Wheeler with them. They objected to the President's plan of Reconstruction, and wanted the legis-



men in the state &c As I have before stated I am impoverished nearly by this man and am being fast worn out with excitement— but my prayers constantly ascent for my country and my beloved and destitute state And oh what would I not do to see her once more restored to peace and in the Union upon such terms as to secure our perpetual peace and prosperity to her and the other states But I fear if Holden is permitted to go on that dark days and troubles are before us and to prevent this and for this alone I have written this hurried letter And I am candid when I say that there beats not one other heart in America that is more desirous to see our flag waving once more in freedom and glory over a united and happy people— none wept more bitterly when it was stricken down at Charleston— Inclosed I send you a song I wrote & had published on that occasion— I do in my soul think Congress under all this circumstance [*sic*] — Congress is mistaken in crushing out all conservative men & promoting such persons as will take the test oath—<sup>68</sup> I know the record of many that have taken the oath and would to Heaven you but knew them as well as I do— I am sure you would be amazed

D. F. Caldwell

Faisons Depot W. & W. R. R  
Duplin County N. C.  
March 14<sup>th</sup> 1867

Capt Bowen.<sup>69</sup>

As I have not heard from you in some time I will give you a line to enquire what you are doing &c. What has become of your friend who wished to purchase my place. Tell him I am still desirous of selling,

lature to call a convention. The next day they returned to the White House where they found Holden, R. P. Dick, Willie Jones, W. R. Richardson, J. H. P. Russ, W. S. Mason, Rev. Thomas Skinner and Dr. R. J. Powell. The President showed them his amnesty proclamation and said that he would appoint the person they designated as governor. Moore, Eaton, and Swain declined taking any part in the conference and left the room as did Johnson. Swain urged Holden not to accept the place, but the others inserted his name and when the President returned he was gratified at the selection. George W. Kirk was considered for the place. Hamilton, *Reconstruction*, pp. 106, 107n.

<sup>66</sup> Doubtless he refers to Robert R. Bridges, who represented Edgecombe County in the lower house in 1844, 1856, 1858, and 1860, and who was one of North Carolina's representatives in the Confederacy 1862 and 1864. *North Carolina Manual* (1913), pp. 602-03, 978.

<sup>67</sup> Matthias Evans Manly was born in Chatham County, April 13, 1800, and died in New Bern, July 16, 1881. He graduated from the University of North Carolina, studied law, and was admitted to the bar. He served in the lower house of the state legislature, 1834-35; was a superior court judge, 1840-60; and became a justice of the supreme court in 1860, which position he resigned soon after the close of the war. He was elected to the United States Senate soon after the close of the war, but refused his seat. He returned to New Bern where he practiced law and later served as county judge. He was a member of the convention of 1865 as a leading old line Whig; refused to vote on the power of the convention to declare secession null and void; and in the campaign to have people vote on the new constitution he held that the constitution was not constitutional. He was speaker of the senate in 1866; and was defeated for the supreme court under Reconstruction. He was a delegate to support the President in the Philadelphia convention, August 14, 1866; served as a member of the North Carolina constitutional union convention in 1868; refused, with Battle and Ruffin, to sign the North Carolina bar protest against judicial interference in political affairs; and supported the movement for a constitution convention, 1875-76. Appleton, *Cyclopaedia of American Biography*, IV, 189; Hamilton, *Reconstruction*, pp. 121, 125, 135n, 144, 175, 178n, 183, 278, 280n, 293, 391n, 605n.

<sup>68</sup> On July 2, 1862, Congress passed an act that any officer, except the President, before entering upon the duties of his office must take an oath that he had never voluntarily born arms against the United States nor held office under any pretended government hostile to the United States nor yielded voluntary support to any such government. In 1865 it was extended to include attorneys and counsellors at law of the United States courts, but this part was declared unconstitutional in the Garland case. The test oath was used to exclude Congressmen elected in 1865 under Johnson's amnesty proclamation. It was rigidly enforced in the South under the carpetbag regime. Jameson, ed., *Dictionary of American History*, p. 498.

<sup>69</sup> John J. Bowen of Ohio was captain and assistant quartermaster of volunteers, June 30, 1862; brevetted major and lieutenant-colonel, March 13, 1865. Francis B. Heitman, *Historical Register of the United States Army*, I, 233.



and will sell on reasonable terms in cash or Government securities to be paid upon the delivery of the deed. I have rented out most of the open land for this year but would give him the rents in case of purchase

I presume many Northern men will come South and bring their Capital this year and next, as Sherman's Bill<sup>70</sup> has settled political affairs I am using all the influence I have to get the people to submit cheerfully and in good faith to the terms of the Bill— as it is the best we can get and it is quite important to calm the political waves— I have been in favor of every settlement that has been offered— As we need Capital and the Country needs repose. I have been denounced because I was in favor of the Howard Amendment<sup>71</sup> and expect to be denounced again by foolish fire-eaters because I am for the Sherman Bill— but that makes no difference I do what I consider to be my duty— As old doctrines have been decided against in battle and it now behooves every law abiding citizen to accept the new order of things and place the Nation once more on the march to Glory. It is true that the Sherman Bill as well as the Howard Amendment will disfranchise me— as I was in the Legislature in 1852 for one term— but I hope to get releived [*sic*] by Congress and if I do not I am willing to be disfranchised for the sake of a permanent settlement of our political troubles

I have in this & other letters given you my political opinion without reserve— but in your last letter you did not *fully* explain your own and the opinion of the majority of the North. You remarked that the Northern mind was bent on carrying out the revolutionary idea,— But you did not explain *satisfactorily* what *you considered the revolutionary idea*— Though I understood you to mean negro suffrage— As that has subsequently been developed as the ruling sentiment of the North.— Sherman's Bill has settled that point, and it will now be the settled policy of the country for them to vote. I like the Bill because it seems to be a finality— Many persons will be for it who otherwise would not be— And I think after much reflection that the lawless Element will impose upon the blacks unless they have *free* political rights— I remarked to you in a previous letter that there was a certain class in the South who desired to root out the negro so that they could rent the best lands cheap. The interest of the negro and the laboring white man is to a certain extent antagonistic. On the other hand the land owner favors the protection of the negro, so that he may remain in the Country and aid in developing it's resources— As. we need both labor and capital,

I want you and your friend to come on and see my place *near Mt*

<sup>70</sup> The Reconstruction bill as passed by the House was before the Senate as well as several substitutes, amendments, and the like. Time was getting short and the radicals realized that they must pass the bill and then have time to pass it over the President's veto before March 4. On February 16, 1867, the Republicans held a caucus at eleven o'clock in the morning to determine what to do. It was decided to appoint a committee of seven to see if the various proposals could not be smoothed out. On this committee was Sherman. The House demanded a more radical measure than did the Senate. This committee worked out a compromise bill. At midnight, Saturday night, Sherman introduced this bill which passed at six o'clock Sunday morning by a vote of twenty-seven to four. It went to the House on the following Monday, and ultimately, after numerous amendments, became the Reconstruction law. Rhodes, *History*, VI, 127-32.

<sup>71</sup> J. M. Howard was in the compromise committee which formed the bill. When the bill came up in the House, Wilson of Iowa, a member of the judiciary committee, proposed an amendment that those excluded from office by the Fourteenth Amendment could not be members or vote for members of the state conventions. Even Stevens opposed this as it was not radical enough, but Shellabarger amended the amendment so as to make it more radical and Stevens, thinking that it was the best he could get, voted with the Republicans to carry it by a vote of 126 to 46. The Senate on February 20, passed it, 35 to 7. After Johnson vetoed the bill it was promptly passed over his veto. Rhodes, *History*, VI, 131-133.



*Olive*— as I assure you it is good cotton land and can be sufficiently improved to make 2 bales to the acre— as I have actually made that on an improved acre— A man with Capital can certainly make money by buying that place as good cotton land must certainly be Valuable whenever things become quiet— If I had the capital I could make money by dividing it up and selling in small parcels. I think your friend could make 10 or 20 thousand at least and perhaps more by purchasing that place on speculation— as it is near the railroad and easily subdivided and very healthy for white or black Northern or Southern men to live on

I will sell your friend my home place if he prefers it or both— as I have some idea of resuming the practice of law and moving to some town or village, where I can educate my children— Suppose you see him and inform him of the opportunities to make money that I offer

I have had another little Boy since I saw you which makes my sixth child— so that you see that I have to be industrious to feed, cloth, and educate so many— As you have but one, you can be more quiet. Have you ever noticed the fact that ladies in a Northern climate are not so prolific as they are in the South. M<sup>rs</sup> Hill says when she was in Connecticut she rarely saw a lady with more than two children

I believe that I have no more at present so that I will close by hoping to hear from you soon. M<sup>rs</sup> Hill frequently speaks of you with kindness. My regards to M<sup>rs</sup> Bowen

Your Friend

Wm. E. Hill<sup>72</sup>

P. S. If you are acquainted with any of the Congressmen can you not aid me in getting relieved from the disfranchisement clause in the Sherman Bill— as two thirds of Congress can remove the difficulty.<sup>73</sup> I would like to have the privilege of voting very much— as others will have under the Bill that privilege who have, not exerted their influence for reconstruction as much as I have but can vote under the Bill because they never took the oath as an office holder before the War— While I being in Legislature in 1852 disqualifies me. If you can aid me in this matter I will be much oblige to you I think I ought to have the cloud removed for the following reasons.

1<sup>st</sup> I have religiously in *letter and spirit* kept my amnesty which few others have done.

2<sup>d</sup> I have voted for Union men & Union measures ever since the end of the War and exerted my influence for every plan of reconciliation offered.

3<sup>d</sup> I voted for Gov Holden as the Union candidate for Governor and for Union Men who could take the Test oath for Congress while others voted *against* them because they could take the test oath.

4<sup>th</sup> I have treated the colored man with Justice, paid him promptly pr agreement and frowned upon those who were disposed to wrong him

<sup>72</sup> W. E. Hill represented Duplin County in the house of representatives in 1852. *North Carolina Manual* (1913), p. 596.

<sup>73</sup> By the Fourteenth Amendment to the Constitution two-thirds vote of each house of Congress could remove the disabilities imposed by the amendment. It barred from holding office, civil or military, in the state or nation, those who had taken an oath to support the Constitution of the United States and who had later engaged in insurrection against the same or given aid and comfort to the enemy thereof. *Constitution of the United States*, Amendment 14, part 3.



5<sup>th</sup> I exerted my influence publicly against putting negroes in the Southern army to fight for the continuance of their own slavery— as I did not wish to perpetuate or aid others in doing it, so great an outrage— I have treated Union soldiers with kindness and have done all I could to prevent outrages on Union men and negroes. It is true I have lost much by the War but attribute it to the perverseness of the Southern fire eaters in holding on when there was no possible hope— No sensible man could think there was any prospect for Southern success since the fall of Vicksburg.<sup>74</sup> all the above I can prove by others, if necessary to be true— Will you excuse me for taxing your patience

Your Friend

*Wm. E. Hill.*

[John Sherman Papers.]

[*To be continued*]

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<sup>74</sup> Farragut sought to capture Vicksburg, but failed. Grant in the fall of 1862 set about to force the city to surrender. He failed, however, and then resorted to a siege so that capitulation resulted, July 4, 1863. James Kendall Hosmer, *Appeal to Arms*, pp. 120, 122, 266-79.



## BOOK REVIEWS

CROWN OF LIFE: HISTORY OF CHRIST CHURCH, NEW BERN, N. C., 1715-1940. By Gertrude S. Carraway. (New Bern: Owen G. Dunn. 1940. Pp. 245.)

Parish histories, at least those which have come my way, are on the whole rather dull reading. They are most often characterized by a great deal of genealogical material concerning the families who compose the parish. Miss Carraway's history of Christ Church Parish, New Bern, is a happy exception. The lives of the clergymen and laymen connected with this parish are recounted only as they relate to its establishment and development.

Christ Church Parish was established by act of the General Assembly in 1715. Twenty-five years later another law was enacted providing for the erection of a suitable church building. This building was completed by 1750 and continued in use until 1824, when it was torn down and a new church erected nearby. The second church was burned in 1871 and four years later a third building was consecrated in which the congregation now worships. King George II in 1752 presented the parish a handsome silver communion service, a copy of the *Holy Bible* and the *Book of Common Prayer*. These gifts are in use today and are among the church's proudest possessions.

The first rector of Christ Church was the Rev. James Reed, who came to New Bern in 1753. His rectorate extended over twenty-four years, a period longer than that of any other subsequent rector. Rev. Mr. Reed is generally conceded to be the most able and zealous Church of England clergyman sent to North Carolina in the colonial period, and it was largely due to his inspiration and influence that the first public school in North Carolina was established in New Bern in 1764. Reed was succeeded in the parish by a long line of able and godly rectors who took an active interest in the development of the community as well as the parish.

Christ Church has also played an important part in the growth of the Episcopal Church in North Carolina. It was here in 1817 that the Diocese of North Carolina was organized, and it was also here that the Diocese of East Carolina was formed in 1884. Christ Church clergymen and laymen took a prominent part in the formation of both.

A little more than one-third of the book is concerned with



the development of Christ Church during the colonial era. While this is an interesting phase of its history, one would like to have more details about the later period.

For her narrative the author has drawn principally from original sources—which adds much to the interest and significance of the work. It is well documented, and contains a good bibliography and an adequate index.

LAWRENCE FOUSHEE LONDON.

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CHAPEL HILL, N. C.

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HERMAN HUSBAND: A STORY OF HIS LIFE. By Mary Elinor Lazenby. (Washington, D. C.: Old Neighborhoods Press. Pp. viii, 180. \$2.50.)

Miss Lazenby's biography of Herman Husband is a needed contribution to the history of colonial North Carolina. Until its publication little more than a bare outline of his life was available.

Husband was born in Maryland in 1724. At about the age of sixteen he became a member of the Society of Friends. The religion of this sect was a potent influence throughout his life. He first visited North Carolina in 1750 and five years later purchased land and settled in the Deep River section of Orange County.

Husband in his times was considered a radical. He was a minority leader, feeling deeply the wrongs of the people of his class—the small farmer class. The arrogant treatment of the back-country folk by the colonial officials won his sympathetic attention. The lack of sufficient currency, too heavy taxes, and the conduct of the county officials were the chief grievances of the small farmers in his section. These farmers, who came to be known as the Regulators, formed an association to correct their grievances. Although Husband never became a member of the association, he took an active interest in its aims. In 1769 and again in 1770 these people whom he championed elected him a member of the colonial assembly from the county of Orange. In this body he was able to accomplish nothing to relieve their situation. The discontent in the back-country counties grew, culminating in the Battle of Alamance which took place on May 16, 1771. Husband took no part in the battle but fled North Carolina



the day it took place. This action was consistent with his Quaker beliefs. He was opposed to any sort of violence and had always urged the Regulators to settle their grievances peaceably.

Because of his prominence in the cause of the Regulators, Husband was outlawed by Governor Tryon. Upon leaving North Carolina Husband went to western Pennsylvania where he took up land and remained the rest of his life. Here once again he displayed his interest in a minority group when he took part in the Whiskey Rebellion. He was sentenced to death for his part in the insurrection but was pardoned by President Washington. Shortly afterwards, in May, 1795, he died while returning home from Philadelphia.

For the facts about Herman Husband the author has drawn principally from original sources and has made good use of available materials. The man is interestingly and sympathetically portrayed. One feels, however, that the importance of Husband as an historical character has been over-emphasized.

The author's treatment of the Regulator movement, which comprises about one-half of the volume, is almost too sympathetic to the Regulators. Tryon's part in putting down the insurrection is not treated as impartially or as fairly as it deserves. No new facts or interpretation of the War of the Regulation are contributed. It is, however, a good, well-rounded biography of a minor character in North Carolina history, interpretative as well as factual.

LAWRENCE FOUSHEE LONDON.

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THREE VIRGINIA FRONTIERS. By Thomas P. Abernethy. (University: Louisiana State University Press. 1940. Pp. xiii, 96. \$1.50.)

This volume comprises the fourth series of the Walter Lynwood Fleming Lectures in Southern History, sponsored by the graduate school and department of history at Louisiana State University, and delivered there by Professor Abernethy in February, 1940. As the title would indicate, the author's preoccupation is with the so-called frontier hypo-



thesis, which he rightly asserts cannot be conclusively accepted until there are available detailed studies of the various areas involved in the ever-shifting location of the frontier. Frontier conditions were not always the same, and they were determined in many instances by forces which were superimposed from without. For example, the legal system that governed the settlement of a given area, the peculiarities of the people who colonized it, and the economic conditions under which migration took place were often of equal importance with the existence of boundless tracts of virgin land.

As illustrative of the extent to which frontier conditions might be modified by countervailing tendencies, four divisions of Virginia, as her boundaries existed at the time of the Confederation, are considered: the tidewater, the piedmont, the valley, and Kentucky. Tidewater Virginia was truly a frontier of England, but an examination of its development clearly shows that something more than a forest was necessary to produce democracy. Without cheap or free lands easily accessible to the penniless immigrant, having no system of agriculture that made subsistence farming possible, and lacking a knowledge of the crafts and skills essential to frontier existence, the population of this region maintained and accepted the class distinctions and other folkways to which they had been accustomed in England. In the piedmont and valley regions land was easily accessible to independent small farmers, and many yeomen were able to establish themselves; but the long arm of the law still reached this region, and this law was aristocratic in tone, preventing the carrying out of any democratic theories that might have been harbored. When Kentucky was settled the poorer emigrants were able to furnish their own transportation thither, but the best lands had already been preempted by speculators and purchasers. The result was an unusually large landless element whose relations with the land-speculator politicians, who were the leaders, were not particularly cordial—quite the reverse of the idealized picture of the frontier where simplicity and equalitarianism reign harmoniously on the verge of the forest.

Emphasis is also placed upon the fact that the frontier did not advance at a given pace, since special legislation, relative prices, and availability of lands, together with the operations of speculators, were often able to modify the normal in-



fluence of geographic conditions. Likewise it is noted that democracy and liberalism are not necessarily the same. In Kentucky the democratic element wished to permit constituents to instruct their representatives on all matters of legislation, to abrogate the bill of rights, and to put the government into the hands of a series of extra-legal committees having great power but no responsibility. This, Professor Abernethy likens to totalitarianism, and suggests that "we may be thankful that frontier democracy was never able to win a decisive victory over the principles of the Revolutionary period as adopted and supported by the Jeffersonian Republicans."

While the thesis here advanced is neither startling nor essentially new, it is presented in a clear and stimulating manner, and serves well its purpose in suggesting that "certain forces must be given their proper place in the picture before a balanced delineation of frontier conditions can be attained." There are no footnotes, bibliography, or index, but since the treatment is interpretative rather than factual, these appendages are not greatly needed.

JAMES W. PATTON.

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SPARTANBURG, S. C.

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THOMAS SPALDING OF SAPELO. By E. Merton Coulter. (University: Louisiana State University Press. 1940. Pp. ix, 334. \$3.00.)

Professor Coulter in this admirable biography reminds us again that peace has its victories no less than war; and the study constitutes another refutation of the discarded theory that history is merely past politics. Thomas Spalding was first and last a gentleman planter, adventuring and experimenting in the field of Southern agriculture. At times he served his state and people in politics, as when he presided over the important Georgia constitutional convention in 1850; but to him politics was very incidental, and merely took time from his beloved agricultural studies and experiments.

About the sea islands off the Georgia coast, the so-called Golden Isles, has developed quite a literature. This biography of Thomas Spalding of Sapelo is a distinct and valuable



contribution to that literature, and indeed to Georgia and Southern historical literature.

Coastal Georgia in the first half of the nineteenth century knew a society of cultivated planters and gentlemen who have been over-shadowed by the greater glory of the planters of the tidewater Virginia and the South Carolina low-country, but who would not have suffered by comparison with them. Certainly, Thomas Spalding of Sapelo was such a one, in the amount of his fortune, in the solidity of his talents, and in his way of life. Students of Southern history are indebted to Professor Coulter for rescuing from comparative oblivion a man whose life illustrates much that is typical and best of the society and activity of his day, but who has been overlooked by earlier historians, preoccupied with political figures.

Thomas Spalding, who as Professor Coulter remarks is as indissolubly associated with Sapelo as John Taylor is with Caroline or John Randolph with Roanoke, was born at Frederica, Oglethorpe's old town, St. Simon's Island, March 25, 1774. He came of good Scottish lineage on both sides, his mother being a McIntosh. His childhood was marked by vicissitudes, due to the loyalist sympathies of both sides of his family. Before such matters could have weighed heavily upon him, the Revolution was over, his family's fortunes were restored, and when he attained his majority, and shortly married in 1795, his father James Spalding was the wealthiest man in Glynn County.

It was in 1802, after a two year sojourn in Europe with his wife, that Thomas Spalding acquired the greater part of Sapelo Island. Here he made his home until his death in 1851. Here he developed a magnificent plantation, engaged in numerous agricultural publications throughout the nation, entertained lavishly, and lived out a rich seventy-odd years as the wealthiest planter of the county, and as guide, philosopher, and friend to the region.

Professor Coulter's industry in research, skill in evaluating his materials, and good writing ability have produced a fine picture of the Georgia lowlands in the ante-bellum period. Most of the materials he has used were obscure and difficult of access. Except for his labor of love in bringing this work on Thomas Spalding together they might well have been lost or remained unavailable.



The book is thoroughly documented. It also contains a valuable critical essay on authorities, in itself a contribution to Georgia bibliography.

HAYWOOD J. PEARCE, JR.

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GAINESVILLE, GA.

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FELIX GRUNDY: CHAMPION OF DEMOCRACY. By Joseph Howard Parks. (University: Louisiana State University Press. 1940. Pp. ix, 368. \$3.00.)

Felix Grundy was born in Virginia in 1777, grew to manhood in Kentucky, and gained national prominence as a political leader in Tennessee. He was educated under the famous Dr. James Priestly and entered the legal profession at an early age. As so many lawyers did, and still do, he turned to politics and spent almost his entire adult life in state or national office. He was a member of the constitutional convention of 1799, the state legislature, and the Court of Appeals of Kentucky. He resigned the chief justiceship in 1807 and removed to Nashville, Tennessee. Elected to Congress in 1811, he affiliated with the War Hawks in bringing on the War of 1812, but resigned his seat in 1814 to practice law. He went to the state legislature in 1819, where he advocated a program of debtor relief; and in 1829 was elected to the United States Senate where he remained until his death in 1840, except for a short period in 1838-1839 when he served as Attorney General in President Van Buren's cabinet.

A man who held public office for almost forty years should have left behind him some monument in the way of great measures he sponsored, or great causes with which his name was associated. Not so Felix Grundy. Whether in the state legislature or in the Congress of the United States, Grundy could always be found supporting the special interests of his constituents and his party's program in order that he might be returned to office. And he seems to have supported his party not because of principle but because of political expediency. He might favor banks or nullification but if President Jackson opposed them Grundy would quickly reverse his position and go with the party. In fact his only consistency seems to have been in support of his party, right or wrong. He defended and tried to whitewash the Jackson administration, with regard to both the spoils system and



corruption in the Post Office Department. Furthermore, Grundy was not averse to the use of questionable tactics to carry his party to success as he did in his relations with Hugh Lawson White in 1836.

Professor Parks has given an accurate picture of his subject. The book is clearly written, has very few factual errors, is generally sound in interpretation, and is a valuable addition to Southern historiography. Some readers would not agree with the author in regard to his interpretation of Jackson's use of the spoils system, nor with the author's favorable view of Grundy's motives on the relief, bank, nullification, and White controversies. Professor Parks gives strong support to Julius W. Pratt's interpretation of the causes of the War of 1812. Anyone interested in the political history of the United States during the first half of the nineteenth century may read this volume with profit. The one great fault the reviewer finds in the book is that it tends to lose Grundy the man in Grundy the Democratic politician and office holder. One would like to be told more about Grundy's private and social life.

This work is the first volume of a *Southern Biography Series*. In the preface the author says that "The stories of the lives of the so-called great men of the nation have been told and retold, but little has been done toward giving due credit to those who made them great. . . . The purpose of this book is to rescue from obscurity one of the nation's unheralded masters of political strategy." It is to be hoped that this statement does not mean that the *Series* is to be a sort of "Little Men in Southern History." Professor Parks has succeeded in throwing much light on Felix Grundy's career but Grundy remains a "little man," and the reviewer feels that "master of political strategy" much more nearly characterizes him than "Champion of Democracy."

FLETCHER M. GREEN.

THE UNIVERSITY OF NORTH CAROLINA,  
CHAPEL HILL, N. C.

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I RODE WITH STONEWALL. By Henry Kyd Douglas. (Chapel Hill: The University of North Carolina Press. 1940. Pp. vii, 401. \$3.00.)

Of the countless memoirs following hard upon the War between the States, this is certainly one of the most inter-



esting. It also has considerable value as a primary source. Written soon after the war while the events were fresh in the author's mind, it has the additional solid foundation of Douglas's diaries kept for the greater part of the struggle. Then the manuscript was put aside until near the end of the century when it was revised but not published. Thus we have a first-hand account, balanced and judicious, with more than the usual earmarks of authenticity, and lacking the bitter and argumentative tone of so much post-war writing. While the author does not claim to be impartial or without decided opinions, there is a certain objectivity about his story which makes it all the more impressive. The future will see exceedingly few new eye-witness accounts of the war, and it is a fair guess that none will be as revealing and as absorbing as this one.

Douglas was on the staff of Jackson until the latter's death at Chancellorsville. He, like many others, soon became aware of Jackson's military genius, and he quotes a friend who told him before the war that Jackson was "as systematic as a multiplication table and as full of military as an arsenal." As one who admired Jackson and had unusual opportunity to observe him closely, Douglas's remarks on Jackson's methods and character are revealing, although the total picture is not essentially new. But there are anecdotes and incidents such as Jackson's adventure in the persimmon tree, his "mistaking whiskey for wine" and becoming "incipiently tight," and of the time he borrowed a needle and thread to sew a button on his coat when he was persuaded to sit for his photograph. The simplicity of Jackson's life, his impatience, secretiveness, carelessness of personal safety, and harshness with those who disobeyed orders are revealed. Douglas considered Jackson's Valley campaign as one of the greatest of all time, yet he condemned Jackson for letting McClellan get away after the first Cold Harbor battle; nor did he think well of Jackson's refusal to give advice to superiors or to take it from subordinates.

Besides Jackson, we get a close-up of others with whom Douglas served. The appraisal of Early could hardly be improved upon; Stuart, Gordon, Breckinridge, and many others are seen in action and in repose; the disagreement between Jackson and A. P. Hill which led to the latter's arrest is described by one who carried messages between the two.



The book avoids political subjects entirely except in one instance when Lincoln is condemned for appointing political generals whose blunders cost the lives of many men. Douglas was of the opinion that Davis's appointments in the army were made without political considerations. The book is essentially a military narrative, giving a picture of life in the field and in camp as seen by an observant and intelligent officer. Douglas modestly insists that he is not writing history, but is merely putting down his personal observations. When he remarks that Lee was "embarrassed" at Gettysburg by Stuart's absence, or that to Longstreet's delay "may be ascribed a fair share of the disaster," we know he is writing cautiously but as one who was present.

The author's style is easy and graceful, there are occasional fine descriptive passages, and there is both humor and commonsense throughout the narrative. In short, from Douglas's accidental meeting with John Brown before Harper's Ferry to his imprisonment in a cell adjoining Mrs. Surratt's during the Lincoln assassination trial, he gives a graphic, realistic, and balanced account of a tragic war. It is clear, however, that this war lacked the refinements of modern times, for Lee's phrase that "we make war only on armed men" is no longer valid.

Professor Fletcher M. Green has contributed a particularly helpful comment on "The Author and His Book" as well as useful explanatory notes.

R. H. WOODY.

DUKE UNIVERSITY,  
DURHAM, N. C.



## HISTORICAL NEWS

The state legislature at its session earlier in the year increased the membership of the Historical Commission from five to seven. The members serve without pay for overlapping six-year terms.

Dr. Fletcher M. Green of the University of North Carolina addressed the Trinity College Historical Society of Duke University at its March meeting on the subject, "Problems of Research in Southern History."

Dr. H. M. Wagstaff of the University of North Carolina spoke at Guilford College on March 14 on "Some English Contributions to Modern Civilization in the Science of Government."

A mural by James McLean, depicting the history of Cabarrus County, was unveiled in Concord's new Community Center on March 21. Former Governor Clyde R. Hoey delivered the principal address.

On April 10 Dr. C. C. Crittenden addressed the Pennsylvania Federation of Historical Societies, holding its annual meeting in Harrisburg, on the subject, "History for the People."

At a meeting in Goldsboro on April 24 a branch of the North Carolina Society for the Preservation of Antiquities was formed, primarily for the purpose of reconstructing and preserving the house in which Charles B. Aycock was born.

The Major General Robert Howe Chapter, Daughters of the American Revolution, on April 30 held exercises at the presentation of two markers near Acme, Columbus County. One of the markers indicates the grave of Elizabeth Hooper Watters, daughter of William Hooper, signer of the Declaration of Independence; the other marks the route followed by Cornwallis's army in 1781. Dr. C. C. Crittenden delivered an address.



On May 11, under the auspices of the Robert E. Lee Memorial Foundation, North Carolina day was celebrated at Stratford Hall, in Westmoreland County, Virginia. Mrs. Peter Arrington of Warrenton, the Foundation's director for North Carolina, presided. Addresses were delivered by Dr. R. D. W. Connor, Archivist of the United States; Mr. William T. Polk, mayor of Warrenton; and Governor J. Melville Broughton.

Dr. C. C. Crittenden addressed the Edward Buncombe Chapter, Daughters of the American Revolution, in Asheville, May 14, on the subject, "Let's Preserve Western North Carolina History."

Miss Mattie Erma Edwards, Collector for the North Carolina Hall of History, attended the annual session of the American Association of Museums in Columbus, Ohio, May 15-16.

At the annual homecoming ceremonies at Hawfields Church, Alamance County, on May 18, a historical marker for the church, which was founded about 1755, was presented. Dr. C. C. Crittenden delivered the principal address.

"The Lost Colony," Paul Green's historical drama, is being presented for the fifth successive summer at Fort Raleigh, Roanoke Island.

Visiting members of the department of social science in the Wake Forest College summer school are Professors M. L. Skaggs of Campbell College and R. W. Lee of Mars Hill College.

Dr. Loren C. MacKinney of the University of North Carolina will participate in a symposium on "Interpretations of History" to be held at the University of Chicago on September 21 as a part of the bicentennial exercises of the latter institution.

Miss Christiana McFadyen of the Woman's College of the University of North Carolina has received a Rosenwald Fellowship for the academic year 1941-1942, and will be at the University of Chicago during that period. Mr. Glenn



N. Sisk, a graduate student at Duke University, has been appointed to fill the temporary vacancy.

Books received include: Clarence Edwin Carter, editor, *The Territorial Papers of the United States*, volume IX, *The Territory of Orleans* (Washington: Government Printing Office. 1940); Charles W. Ramsdell, editor, *Laws and Joint Resolutions of the Last Session of the Confederate Congress (November 7, 1864-March 18, 1865) Together with the Secret Acts of Previous Congresses* (Durham: Duke University Press. 1941); Charles Gregg Singer, *South Carolina in the Confederation* (privately printed. 1941); Clarence W. Griffin, *Western North Carolina Sketches* (Forest City, N. C.: The Forest City Courier. 1941); Lawrence Foushee London, *Bishop Joseph Blount Cheshire: His Life and Work* (Chapel Hill: The University of North Carolina Press. 1941); Howard K. Beale, *A History of Freedom of Teaching in American Schools* (New York: Charles Scribner's Sons. 1941); Nannie M. Tilley, *The Trinity College Historical Society* (Durham: Duke University Press. 1941); Philip S. Foner, *Business and Slavery: The New York Merchants and the Irrepressible Conflict* (Chapel Hill: The University of North Carolina Press. 1941); George Dewey Harmon, *Sixty Years of Indian Affairs* (Chapel Hill: The University of North Carolina Press. 1941); Hampton L. Carson, *The Historical Society of Pennsylvania* (Philadelphia: Published by the Society. 1940. two volumes).

*The South Atlantic Quarterly*, January, 1941, included an article, "The Asylum of the Oppressed," by Dr. Robert Ernst of the University of North Carolina.



### CONTRIBUTORS TO THIS ISSUE

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# THE NORTH CAROLINA HISTORICAL REVIEW

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## GOVERNOR VANCE AND THE END OF THE WAR IN NORTH CAROLINA

By RICHARD E. YATES

When Zebulon B. Vance was reëlected to the governorship of North Carolina in August, 1864, he had ample reason to be proud of his achievement. By an overwhelming majority he had defeated William W. Holden, the "peace candidate," and the ominous peace movement which he led. "I have beaten him," Vance said proudly, worse than any man was ever beaten in North Carolina."<sup>1</sup> But as the popular young governor surveyed the condition of the Southern cause, he found much to depress him. By little more than a mere skirmish line, Lee was holding Grant's large army before Petersburg; and the Army of the Tennessee under Hood was being pressed back to Atlanta by the persistent Sherman. Before the well trained, fully equipped armies of the United States, the Confederate forces were quickly wasting away. Death and disease took thousands who could not be replaced; and thousands more, despairing for the cause and sick of the war, deserted from the armies and flocked to the mountains, where many of them lived a life of robbery and murder.

Realizing that the South's only chance for success lay in increasing its armed forces, Governor Vance made energetic efforts to fill the rapidly dwindling North Carolina regiments. On the basis of orders issued by General Lee, he published a proclamation in August, 1864, promising that all deserters who returned voluntarily within thirty days would receive only a nominal punishment. But he warned all who refused to comply with those terms "that the utmost power of this

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<sup>1</sup> Vance to Alexander Collie, August 5, 1864. Vance Letter Book, II, 219-221. (A copy of the original Letter Book, and all manuscript sources used in this study, are in the archives of the North Carolina Historical Commission, Raleigh.)



State will be exerted to capture them or drive them from the borders of a country whose high honor and spotless renown they disgrace by refusing to defend. . . ." A warning was also extended to the magistrates who refused to proceed against those who harbored deserters. Executive protection would be withdrawn and they would find themselves in the army, Vance threatened, as he could not certify that officers who refused to perform their duties were necessary to the "due administration of the laws."<sup>2</sup> Once more a number of deserters in North Carolina took advantage of the thirty days' amnesty and made their way to the Confederate armies, and once more the militia forces of the State were vigorously employed in arresting those who were reluctant to leave their hiding places.

As Lee's army continued to dwindle, however, it became apparent that the returning deserters could not swell the thin line around Petersburg. Hoping to send the urgently needed reinforcements, Vance called the Council of State and suggested that it approve an immediate session of the legislature, in order that some of the state officers and the Home Guard could be sent to Lee. But the Council refused to give its consent, and Vance expressed his disappointment by declaring that he would "cut loose from some of the old fogies" and would rely upon "men nearer my own age & notions of things."<sup>3</sup> When the regular session of the legislature convened in November, he recommended that the military age be extended to fifty-five years, but the lawmakers declined. They seemed to have little interest in Lee's desperate plight, for by this time the impending attack upon Fort Fisher had concentrated their attention upon the defense of North Carolina soil.<sup>4</sup>

Vance had been expecting the attack for several months and had repeatedly urged the Confederate government to strengthen the defenses of Wilmington. Declaring that Confederate cruisers attracted the attention of the Federal fleet, the governor demanded that a less vital port be used as headquarters.<sup>5</sup> But the *Tallahassee* and the *Chickamauga* continued to dash in and out of the port of Wilmington. Vance urged, moreover, that General Beauregard replace

<sup>2</sup> Proclamation of August 24, 1864. Z. B. Vance Papers, V.

<sup>3</sup> Vance to Hale, October 11, 1864. E. J. Hale Papers, III. (The governor was thirty-four years old at this time.)

<sup>4</sup> *North Carolina Public Laws*, Sess. of 1864-1865, pp. 21-22.

<sup>5</sup> Dunbar Rowland, ed., *Jefferson Davis, Constitutionalist*, VI, 366-367; *Official Records of the Union and Confederate Armies*, Ser. I, Vol. XLII, Pt. III, pp. 1148-1149, 1158-1159; Howard Swiggett, ed., *A Rebel War Clerk's Diary . . . by J. B. Jones*, II, 291-292. (Cited hereafter as Jones, *Diary*.)



General W. H. C. Whiting, who commanded the defenses of the city.<sup>6</sup> But Beauregard was sent to Charleston, and in October General Braxton Bragg was placed in command of the Department of the Cape Fear, although Whiting continued to command the district of Wilmington. A few days later Vance journeyed to Wilmington on a tour of inspection. He found the fortifications in an excellent condition, but he was alarmed by the lack of sufficient troops. Could not Lee spare a few veterans, he asked, to act as a nucleus for the raw troops that defended Wilmington? In spite of his own desperate condition, Lee promised to aid the city when the attack began.<sup>7</sup>

At last the period of tedious waiting ended. On December 18, 1864, information was received that an expedition had sailed from Fortress Monroe, and two days later Bragg telegraphed Vance that the head of the Federal fleet had arrived off Confederate Point. The governor immediately issued a proclamation urging everyone who was able to stand behind breastworks and fire a musket to hurry to Wilmington. "Your Governor," he promised, "will meet you at the front, and will share with you the worst."<sup>8</sup> In derision, "One of the Inwalids" addressed to Vance an open letter which showed more faith in the literary achievements of Artemus Ward than in the final victory of Southern arms:

You say we are kowards if we don't kum. That's purty hard to take, but I'd ruther take it than git a ball in the belly! Sur, you sing Sams to a ded hoss when you kall on us fellers at home tu pitch in. I seed a feller not long since talkin about volunteerin, and the nabers all said he oght to be sent to the luntick assylum, kase he was krazy. . . . Guvernur, if you'll give me a fat bumproof Offis, I'll kum a kitin, but if you don't do this, cal fur stones from the vasty deep, but not fur this chile.<sup>9</sup>

Vance delayed his departure a few days, and in the meantime the Federal fleet, under the command of Admiral David Porter, began its attack upon Fort Fisher, which defended the water approaches to Wilmington. In accordance with a suggestion of General B. F. Butler, a ship was filled with thousands of pounds of powder, towed as near

<sup>6</sup> *Official Records*, Ser. I, Vol. XLII, Pt. II, p. 1235. (Excessive drinking, Vance thought, had impaired Whiting's ability.)

<sup>7</sup> Vance Letter Book, II, 288-289.

<sup>8</sup> *Official Records*, Ser. I, Vol. XLII, Pt. III, pp. 1284-1285.

<sup>9</sup> The *Milton Chronicle*, quoted by the *Weekly Standard* (Raleigh), January 18, 1865. (All newspapers cited in this article will be found in the North Carolina State Library, Raleigh.)



to the fort as practicable, and exploded. But aside from amusing the Confederate garrison and exciting the risibilities of a Wilmington editor, this stupendous explosion had no effect.<sup>10</sup> Nor was a combined land attack and bombardment from the sea any more effective, for troops from Lee's army and the heavy fortifications withstood these assaults. General Butler therefore withdrew his troops, and on December 28 the fleet steamed away.

The United States forces did not despair, however, and on January 13, 1865, another Federal expedition appeared off Fort Fisher. Once more the junior and senior reserves flocked to the coast, but they were of little avail. After a heavy bombardment of less than a day's duration, the traverses of the fort were blown away and all but one of the guns were silenced. Troops were then landed, and after two days of stubborn fighting the fort was surrendered. "I am mortified," the unfortunate Bragg telegraphed Vance, "at having to report the unexpected capture of Ft Fisher with most of its garrison about 10 o'clock tonight."<sup>11</sup>

Although depressed by the loss of the fort and the resulting cessation of blockade running, some of the state newspapers felt that the blow was not a fatal one. The Confederacy had survived greater misfortunes, declared the *Fayetteville Observer*.<sup>12</sup> "It will survive this. It cannot afford to be subjugated." The Raleigh *Confederate* believed the capture of Fort Fisher did not necessarily involve the fall of Wilmington.<sup>13</sup> This optimism was shattered a few weeks later, however, when Federal forces started a movement toward Wilmington and captured the town on February 22.

Faced with the series of Confederate defeats which began with the capture of Atlanta and Savannah and included the fall of Fort Fisher and the occupation of Wilmington, the people of North Carolina almost surrendered themselves to a wave of despondency that swept over the State. Many believed that the Confederacy was doomed, that even the most heroic efforts could keep it alive for only a few more months. "The feeling seems to be growing around here," wrote Jonathan Worth from Raleigh, "that we have about fought out."<sup>14</sup> President D. L. Swain, of the University,

<sup>10</sup> *Wilmington Journal*, January 12, 1865.

<sup>11</sup> Bragg to Vance, January 16, 1865. Governor's Papers, January-May, 1865.

<sup>12</sup> January 23, 1865.

<sup>13</sup> *Weekly Confederate*, January 18, 1865.

<sup>14</sup> J. G. de Roulhac Hamilton, ed., *The Correspondence of Jonathan Worth*, I, 340.



was no less gloomy. Was North Carolina, he asked, prepared to submit to martyrdom? "The world has exhibited in past ages, but one Thermopylae, will N. C., S. C. or old Virginia present another. Is independence now within our reach?"<sup>15</sup>

Even before the capture of Fort Fisher, Vance received evidence that despair had fastened upon the hearts of his people. Nearly five hundred women signed a petition and sent it to him, imploring "that immediate steps may be taken for the establishment of peace. Let this horrid war end! Let blood cease to flow!"<sup>16</sup> A few weeks later Vance was anonymously informed that the soldiers from North Carolina had endured the war as long as they could. "They say plainly," the governor was told, "that if they can't go home they will go somewhere to get out of this trouble. . . ." Would not Vance intervene and stop the war? "The soldiers say there has been enough blood shed and now they want you to take it in hand."<sup>17</sup> From an unlettered woman, the governor received the following appeal:

For the sake of surfering women and children, do try and stop this cruel war. here I am without one mouthful to eat for myself and five children and God only knows where I will get something now you know as well as you have a head that it is impossible to whip they Yankees, therefore I beg you for God sake to try and make peace on some terms, and let they rest of they poor men come home and try to make something to eat, my husband has been killed, and ef they all stay till they are dead, what in they name of God will become of us poor women and children?<sup>18</sup>

So widespread was the despondency that John A. Gilmer, a member of the Confederate House of Representatives, assured Vance that he was "beginning to doubt we have inherited the undaunted courage of our Revolutionary Sires. The discouraging spirit of despondency, is to be dreaded more than the power of the enemy."<sup>19</sup>

Although no new peace movement was launched in North Carolina, William W. Holden continued to fill the *Standard* with his gloomy forebodings. "Depend upon it," he wrote, "no matter how this contest may terminate, African slavery has seen its best days on this continent." The editor was

<sup>15</sup> Swain to Vance, January 21, 1865. Z. B. Vance Papers, VI.

<sup>16</sup> Governor's Papers, Zebulon B. Vance, undated.

<sup>17</sup> "N Carolina Soldier" to Vance, January 7, 1865. Governor's Papers, Zebulon B. Vance, January-May, 1865.

<sup>18</sup> Anonymous letter of January 10, 1865. Governor's Papers, Zebulon B. Vance, January-May, 1865.

<sup>19</sup> Gilmer to Vance, February 14, 1865. Z. B. Vance Papers, VI.



unwilling, therefore, "to see another white man slaughtered, or another white child beggared on account of slavery." Boldly he advocated that the State open negotiations for peace. "We would negotiate with the government of the United States," he declared, "and we would obtain the best terms we could for North-Carolina."<sup>20</sup>

Other newspapers of the State, however, set their readers a brave example and insisted that Southern independence could still be won. The *Fayetteville Observer*<sup>21</sup> voiced the forlorn hope, even the expectation, that France and England would recognize the independence of the Confederacy, while the *Charlotte Democrat* felt that nothing was to be lost and everything was to be gained by continued resistance. "According to present appearances," the editor asserted, "if we submit we lose all; and, on the other hand, if we continue the war and fail to win, we can only lose all."<sup>22</sup> This reasoning must have appeared loosely constructed to soldiers dying in hospitals or standing in the shadow of death on the battlefield, but perhaps it was intended for a less active audience. Nor was the *Raleigh Confederate* less hopeful or more plausible. "The cause of the Confederacy is not lost," it declared. "*A very short time will demonstrate that its safety is assured. . . . Hold out yet awhile longer and all will be well.*"<sup>23</sup>

The legislature, in the meantime, did little to sweep away the despondency that had settled over the State; it did even less to aid the failing Confederate arms. Although it refused in December, 1864, to pass resolutions calling for the appointment of peace commissioners by the states,<sup>24</sup> and although it did not call a convention,<sup>25</sup> no vigorous measures were taken for the prosecution of the war. It firmly denied the power of the Confederate government to impress and arm slaves,<sup>26</sup> and it adopted other measures harmful to the military establishment. Apparently feeling that the war would soon be over, the legislature passed numerous bills exempting millers, blacksmiths, and other craftsmen in defiance of the Confederate exemption laws. "They not only did no good," the editor of the *Raleigh Confederate* wrote

<sup>20</sup> *Weekly Standard*, January 18, 1865.

<sup>21</sup> January 30, February 6, 1865.

<sup>22</sup> *The Western Democrat*, February 14, 1865.

<sup>23</sup> Quoted by the *Weekly Standard*, January 25, 1865.

<sup>24</sup> *North Carolina Senate Journal*, Sess. of 1864-1865, pp. 66-67, 87-88.

<sup>25</sup> Vance entertained fears that the legislature would call a convention for the purpose of making a separate peace, especially if one assembled in Georgia. He therefore wrote to Governor Joseph E. Brown and asked him to use his influence against revolutionary action in his State. *Official Records*, Ser. I, Vol. LIII (supplement), pp. 392-393.

<sup>26</sup> *N. C. Public Laws*, Adjourned Sess., 1865, p. 33.



a friend, "but they passed every possible exemption to keep men out of the service, the purpose being openly announced."<sup>27</sup> The legislature was anxious, however, to convince the people that it remained loyal to the Southern cause. Hearing of the preliminary negotiations which led to the abortive Fortress Monroe conference, the legislature declared that "until the issue of these negotiations is known, North-Carolina will not abate one jot or tittle of her determination and zeal for a vigorous prosecution of the war to an honorable peace."<sup>28</sup>

This brave show of determination deceived no one, for the gloom of the people continued to spread to the armies, and thousands of the Tar Heel soldiers quietly slipped away and went home. Late in February, 1865, Lee declared that the despair of the North Carolinians was destroying his army. "Desertions are becoming frequent," he wrote Vance. "They are occasioned to a considerable extent by letters to the soldiers by their friends at home."<sup>29</sup> Armed bands of deserters roved throughout the western and central counties of the State, stripping the people of their possessions, holding up stage coaches, and murdering those who attempted to restrain their lawless actions. More than eight hundred deserters were reported pillaging the farmers of Randolph County and defying the local peace officers.<sup>30</sup> In response to Jonathan Worth's appeal, Vance agreed to clear out the deserters in Randolph on the condition that the people of the county helped to protect themselves. "If the H. G. [home guard] will organize promptly," he said, "elect loyal and efficient officers, I will order them able to remain at home . . . to arrest deserters and will send 200 good troops to their aid—but the citizens must show a disposition to help themselves. No half way business will suit me."<sup>31</sup>

Late in December, on the occasion of his second inaugural, Vance tried vainly to lift the waning hopes of his people and to discourage desertion. "Let all of our movements," he urged, "whether of peace or war, be in solid columns; our people at home as our brothers at the front—standing *in line of battle* facing one way & together! Then victory is not only doubly assured but thrice glorious, and defeat will be

<sup>27</sup> *Official Records*, Ser. I, Vol. XLVII, Pt. II, pp. 1250-1251.

<sup>28</sup> *North Carolina House Journal*, Adjourned Sess., 1865, p. 93.

<sup>29</sup> Jones, *Diary*, II, 431n. See also Douglas Southall Freeman, *R. E. Lee*, III, 541; and *Official Records*, Ser. I, Vol. XLVI, Pt. II, pp. 1143, 1154, 1165.

<sup>30</sup> Jones, *Diary*, II, 444.

<sup>31</sup> Hamilton, *The Correspondence of Jonathan Worth*, I, 360.



robbed of half its calamities."<sup>32</sup> But the effect of this appeal was largely counteracted by the loss of Fort Fisher and by the growing belief that the war would soon end. The governor, therefore, decided once more to address his people in an effort to convince them that Southern independence could be won. In a proclamation of February 14, 1865, he called attention to the vast resources in men and supplies still possessed by the Confederacy. If the people would support the army, he declared, the South could yet win its freedom. He then pictured the horrors of subjugation—four million slaves set free; lands confiscated; women, children, and old men reduced to beggary; the gallows groaning under the burden of Southern leaders. "Great God," the governor exclaimed, "is there a man in all this honorable, high-spirited and noble Commonwealth, so steeped in every conceivable meanness, so blackened with all the guilt of treason, or so damned with all the leprosy of cowardice, as to say, yes, we will submit to all this!"<sup>33</sup>

This patriotic appeal pleased President Davis<sup>34</sup> and the more loyal newspapers of the State,<sup>35</sup> but the editor of the *Raleigh Standard* was not greatly impressed by it. "If proclamations could have defeated our enemies," he dryly observed, "they would long since have retired with trailing banners before the State papers of this kind launched at their heads by Governors Brown, Magrath and Vance."<sup>36</sup>

Vance's proclamation, as Holden suggested, had no effect upon the enemy and very little upon his own people. In fact, ten days after the governor issued his appeal, Lee urged him to encourage public confidence and to dispel the hopelessness of the North Carolinians.<sup>37</sup> On the same day (February 24), the Confederate Bureau of Subsistence asked Vance to appeal for voluntary contributions of provisions. The ordinary means of supplying Lee's army had broken down,<sup>38</sup> and only the prompt aid of the people could feed the soldiers. Vance therefore issued another proclamation, asking each citizen to pledge himself "to furnish the rations of one soldier for six months." The governor set a generous example by pledging one-half of his year's supply of food and by

<sup>32</sup> Vance's second inaugural address, December 22, 1864. Z. B. Vance Papers, VI.

<sup>33</sup> Vance Letter Book, II, 365-371.

<sup>34</sup> Dunbar Rowland, ed., *Jefferson Davis*, VI, 483.

<sup>35</sup> *Weekly Confederate*, March 1, 1865.

<sup>36</sup> *Weekly Standard*, February 22, 1865.

<sup>37</sup> Lee to Vance, February 24, 1865. Governor's Papers, January-May, 1865.

<sup>38</sup> Sherman's march through Georgia and South Carolina helped to produce this result.



placing his own family upon the short rations allowed the soldiers.<sup>39</sup>

Continuing his policy of attempting to cheer the people, Vance addressed an audience at Goldsboro on February 25. After discussing the futility of the Fortress Monroe conference and the horrors of subjugation, he made light of the losses of the Confederacy and said he had Lee's promise that Sherman must and would be stopped. But Vance was whistling in the dark and was attempting to give a hopefulness to his people that even his exuberant spirits did not feel. Soon after the fall of Atlanta, the governor began to entertain serious doubts that the Confederacy could win. The army in Georgia, he wrote President Swain, was thoroughly demoralized, and the meddling of President Davis would complete its ruin. He was especially depressed by the lack of spirit in the people of the South, and by their failure to harry Sherman's army and cut its line of communications. Nothing else could be expected, perhaps, when the public leaders were so inefficient. "Gov. Brown is a *humbug* & can do nothing but get in the way." What, asked Vance, did all this show?

It shows [he continued] what I have always believed [:] That the great *popular heart* is not now & never has been in this war. It was a revolution of the politicians not the people; was fought at first by the natural enthusiasm of our young men, and has been kept going by State & sectional pride assisted by that bitterness of feeling produced by the cruelties & brutalities of the enemy.

I am not out of heart. As you know, I am of a hopeful & buoyant temperament— Things may come around yet. . . . How can I help win the victory? What can I do to secure a retreat? How shall I guide this suffering and much oppressed Israel that looks to me through the tangled & bloody pathways of the wilderness wherein our lives have fallen?

Duty called me to resist to the uttermost the disruption of the Union; duty calls me to stand by the new Union "to the last gasp with truth & loyalty." This is my consolation— The beginning was bad & I had no hand in it; should the end be bad I shall with Gods help be equally blameless. They shall never shake their gory locks at me & say that I did it!<sup>40</sup>

After the loss of Fort Fisher and during Sherman's con-

<sup>39</sup> Vance Letter Book, II, 376-378.

<sup>40</sup> Vance to Swain, September 22, 1864. Z. B. Vance Papers, V. "You are not mistaken," Swain replied, "in supposing that the great popular heart never beat in union with that of the agitators who initiated the revolution. I do not believe that if Calhoun, Clay & Webster could have been permitted to remain upon the earth until the present time, that the country would now be involved in this cruel and unnatural contest." Swain to Vance, September 28, 1864. Z. B. Vance Papers, V.



tinued advance toward North Carolina, the governor's despondency increased. The quick march of events convinced him that the Confederacy would soon collapse. "I frankly confess to you," he wrote the Georgia governor on January 18, "that I regard it our chief aim at this time to hold the demoralized and trembling fragments of society and law together and prevent them from dropping to pieces until the rapidly hastening end of our struggle shall be developed."<sup>41</sup>

While in this depressed mood, Vance was approached with the suggestion that North Carolina initiate a movement which would lead to submission and peace. A number of Confederate Senators and Representatives, being convinced that a continuation of the war would result in needless bloodshed, concluded that the South should admit its failure and throw itself upon the mercy of the North. They used Senator William A. Graham, of North Carolina, as their messenger and shortly after the Fortress Monroe conference appealed to Vance to end the war. In great secrecy, Graham told the governor that certain members of Congress wanted him to issue an order requiring the North Carolina troops to return to their homes and thus force Lee's surrender. In great excitement, Vance rose from his seat and asked Graham if he advised such a course. "No," Graham replied, "I only deliver the message I was requested to bring."<sup>42</sup> In a burst of anger, Vance swore a resounding oath. "No!" he exclaimed. "I would see the last one of them in perdition before I would do it. Were I to do that, the last of it would not be heard for generations to come. It would be charged that the Confederacy might have succeeded but for the treachery of North Carolina. So far as the honor of the State is in my keeping it shall be untarnished. She must stand or fall with her sisters."<sup>43</sup>

Some time later D. K. McRae, editor of the Raleigh *Confederate*, heard of Graham's message and was also informed that Vance intended to take North Carolina out of the war. He hastened to the governor's office, told him what he had heard, and suggested that he get a friend to hang him with

<sup>41</sup> Vance to Joseph E. Brown, January 18, 1865. *Official Records*, Ser. I, Vol. XLVI, Pt. II, pp. 1093-1094.

<sup>42</sup> Graham's correspondence during this period suggests, however, that he wanted North Carolina to open separate negotiations with the Federal government. William A. Graham Papers, 1865-1866.

<sup>43</sup> Richard H. Battle, "Z. B. Vance," in *Literary and Historical Activities in North Carolina, 1900-1905* (Raleigh, 1907), pp. 393-394; W. J. Peele, compiler, *Lives of Distinguished North Carolinians . . .* (Raleigh, 1898), pp. 359-360, 362-363; Clement Dowd, *Life of Zebulon B. Vance* (Charlotte, 1897), p. 460; R. D. W. Connor, "Zebulon Baird Vance," in the *Dictionary of American Biography*, XIX, 160.



a grapevine if he thought of recalling the North Carolina troops. "Why McRae," Vance replied, "I have no thought of such a thing, nor is any such thing contemplated. I mean to stand on Confederate soil as long as there is ground enough to pirouette on one toe, and under the Confederate flag while there is a rag left to flutter in the breeze."<sup>44</sup>

At that time the territory upon which Vance planned to execute his gesture of defiance was being more restricted every day. Grant was entering upon the last phase of his siege of Petersburg; and Sherman, after devastating Georgia and South Carolina, was pushing into the Tar Heel State. While stoutly determined that North Carolina should not initiate a movement which would lead to the collapse of the Confederacy, Vance saw that Sherman's progress through the southern counties of the State made it apparent the enemy would soon attack Raleigh. He therefore convened the Council of State near the middle of March and asked its advice. After a day of conference, the Council advised the governor and the treasurer to assemble the important papers and, when an attack was made upon the capital, to retire to some point west of Raleigh.<sup>45</sup> Two days later the Confederate Congress adjourned, and Senator Graham hastened to Raleigh to confer with Vance. In less than a month, the Senator said, Richmond would fall; Lee's army would be dispersed by that time, for want of food if for no other reason. To deal with this impending crisis, Graham urged Vance to call the legislature into extra session.<sup>46</sup> On this point, however, the Council of State was equally divided, and the legislature was not convened.<sup>47</sup>

In the meantime Sherman proceeded on his march, although somewhat more cautiously, for the veteran army of Joseph E. Johnston lay before him. On the morning of March 11 Sherman entered Fayetteville, where his troops destroyed the Confederate arsenal, the market house, courthouse, a number of homes, printing offices, foundries, cotton mills, and oil works. "They robbed the people of everything in the way of food," one observer wrote.<sup>48</sup> All along their line of march, the Federal soldiers stole horses, mules, cattle,

<sup>44</sup> D. K. McRae to Jefferson Davis, January 16, 1885. Rowland, ed., *Jefferson Davis*, IX, 329-333. It was the belief of one of Vance's correspondents that "while we had the very wisest Senator in the Confederacy [Graham], we also had a Governor who knew when 'not to do it' & who in an important crisis did nothing so effectually and efficiently, that he saved the State from a useless humiliation, & an infamous reputation." C. A. Spencer to Vance, May 10, 1866. Z. B. Vance Papers, IX.

<sup>45</sup> P. H. Winston, Jr., to Vance, March 14, 1865. Governor's Papers, January-May, 1865.

<sup>46</sup> Peele, compiler, *Lives of Distinguished North Carolinians*, p. 361.

<sup>47</sup> P. H. Winston, Jr., to Vance, March 28, 1865. Governor's Papers, January-May, 1865.

<sup>48</sup> *The Western Democrat*, March 25, 1865.



slaves, food supplies, cotton, and personal possessions from the homes of the people.<sup>49</sup> The men of Johnston's and Wheeler's commands behaved little better, however, and Vance received numerous complaints of "illegal and wholesale robberies." In order to curtail such Confederate activities, the governor attempted to call out the Home Guard, but he was unable to get a sufficient force together.<sup>50</sup> The "demoralized and trembling fragments of society and law" were falling to pieces at Vance's feet. In deep gloom former Governor Charles Manly wrote: "The horrid deeds perpetrated by the Yankees in Fayetteville, & the not less lawless & atrocious acts of our people in Johnston & Wake exceed the enormities of Barbarians. Between the two fires desolation, plunder, & actual starvation await us. God help the Country—The Politicians have destroyed it."<sup>51</sup>

Leaving Fayetteville several days after he entered, Sherman crossed the Cape Fear River and resumed his march. At Bentonville, on March 19-21, his forces met those of General Johnston in a series of sharp but indecisive engagements. Sherman then proceeded to Goldsboro and formed a junction with Schofield's army, which had marched from Wilmington. In the capital city Vance was consulting his advisers and preparing for the worst. "Governor," one of his secretaries said, "I suppose nobody can longer doubt that the end is near at hand." Feelingly and with tears in his eyes, Vance answered: "No! It must be so; but so far as I am personally concerned, and but for my wife and children, I would rather die than to see it."<sup>52</sup> The gloomy Jonathan Worth was of the same opinion, although he managed to suppress his sorrow. "We have nothing to rely upon but a miracle," he declared, "and our statesmen exhibit their natural sagacity in relying on one."<sup>53</sup>

The end drew near. On April 2 Richmond was evacuated, and Lee began a retreat which ended at Appomattox. In North Carolina Generals Beauregard, Johnston, Hardee, Hoke, Hampton, and Wheeler assembled their forces, thinking that perhaps Raleigh could be defended. At Smithfield these numerous and high-ranking Confederate generals prepared to make a stand against Sherman and Schofield,

<sup>49</sup> *Western Sentinel* (Winston), March 30, 1865.

<sup>50</sup> *The Weekly Conservative* (Raleigh), April 5, 1865.

<sup>51</sup> Manly to Swain, March 29, 1865. Swain Manuscripts, 1860-1892. (Typed copies of the originals.)

<sup>52</sup> Battle, "Z. B. Vance," in *Literary and Historical Activities in North Carolina, 1900-1905*, p. 390.

<sup>53</sup> Worth to J. J. Jackson, March 31, 1865. Hamilton, *The Correspondence of Jonathan Worth*, I, 374.



who were expected to march westward from Goldsboro.<sup>54</sup>

On April 6 Senator Graham had dinner with Vance, and he once more suggested that the legislature should be convened immediately. The Virginia legislature, he said, would soon meet again, and it was important for North Carolina's lawmakers "to act in concert with that body."<sup>55</sup> Although agreeing that the end was near, Vance was reluctant to advise an extra session of the legislature. He finally agreed to call the Council of State,<sup>56</sup> but events moved too quickly for even that body to be assembled. On the following day the governor went to Smithfield, where he witnessed a review of Johnston's army and assured the soldiers that they would certainly defeat Sherman.<sup>57</sup> But the people of Raleigh and its environs were not so confident. They prepared for the fate which had befallen Atlanta, Savannah, Columbia, and other cities which had been captured by Sherman. Being familiar with the thorough and comprehensive manner with which these acquisitive soldiers waged war, the citizens worked hurriedly to hide their valuables. Former governor Manly concluded that no place above ground would be safe, so he placed a portion of his possessions in a heavy wooden box and buried it three miles from the city.<sup>58</sup> Bartholomew F. Moore, a distinguished jurist of Raleigh and a staunch Unionist throughout the war, employed a part of his time in showing President Swain his deep disgust at the actions of the Confederate and state governments.

History [he wrote] has recorded few wars so unnecessary and wicked in its inception, & heartless towards the blood of those who carry it on. . . . What a golden opportunity for a Statesman in N. C. to have distinguished himself by ending this war long ere this. Our Govr. has never had enough sense, to think of it, or moral courage enough to have undertaken it. He has been able to wield a large volume of the public mind. Our friend Gov. G. [Senator Graham] has had sense enough to foresee in part, the results. And he has been able at all times to

<sup>54</sup> Cornelia Phillips Spencer, *The Last Ninety Days of the War in North Carolina* (New York, 1866), pp. 72-73.

<sup>55</sup> Graham was not altogether clear in regard to what a special session of the legislature should do, but it appears he intended for it to make peace with the United States or call a convention for that purpose. (Graham to Swain, April 8, 1865. William A. Graham Papers, 1865-1866.) Jonathan Worth hoped that the legislature would be convened to withdraw North Carolina from the war. (Worth to J. J. Jackson, March 22, 1865. Hamilton, *The Correspondence of Jonathan Worth*, I, 373.)

<sup>56</sup> Graham to Swain, April 8, 1865. William A. Graham Papers, 1865-1866.

<sup>57</sup> *The Daily Standard* (Raleigh), April 28, 1865.

<sup>58</sup> "It was a terrible job," he declared. "I laid on the ground perfectly exhausted before I could gain strength to mount my horse." (Manly to Swain, April 8, 1865. Swain Manuscripts, 1860-1892.) Manly was alarmed and not a little mystified to learn that the papers which he had so carefully buried in the box would soon decompose. He directed Swain to approach one of the "philosophers" on the University faculty and ask him to explain this strange action of nature.



have wielded a larger share of the public confidence, but he has been waiting for something to turn up.<sup>59</sup>

On April 10 something did turn up. General Johnston received a dispatch from Davis announcing Lee's surrender of the preceding day. Keeping this information a secret, Johnston notified Vance of his intention to uncover Raleigh and retreat to the western part of the State. The governor then began the transfer of the state records and the huge military stores he had accumulated—supplies which the hungry and ill-clad army under Lee might well have used before its doom was sealed at Appomattox. To Graham, Greensboro, and Salisbury were transferred 40,000 blankets, English cloth equal to about 100,000 uniforms, shoes and leather equal to 10,000 pairs, 150,000 pounds of bacon, 40,000 bushels of corn, 6,000 scythe blades, and large quantities of cotton cloth, yarns, cotton cards, and imported medicines.<sup>60</sup> In accordance with plans already made, Treasurer Worth left Raleigh with the books of his department, showing that the State had an indebtedness of \$30,274,391, about two-thirds of which had been contracted during the war.<sup>61</sup> Like other state officials who soon evacuated the capital city, he traveled towards the western counties.

On the same day, April 10, President Swain went to Raleigh and conferred with Vance. At that time the governor was informed of a plan agreed upon by Swain and Graham. Convene the legislature, Swain advised; have it pass resolutions expressing a desire to stop the war and invite the concurrence of the other Southern states. It should, moreover, elect commissioners to treat with the United States and report to a convention which would be called. If, in the meantime, Sherman advanced upon Raleigh, Vance should send a commission to him to ask for a suspension of hostilities until the final action of the State could be ascertained. Vance agreed to the latter part of this plan upon the condition that General Johnston's approval be obtained, but before he put it into effect he wished to have another interview with Graham, who was then at his home in Hillsboro.<sup>62</sup>

<sup>59</sup> Moore to Swain, April 9, 1865. Swain Manuscripts, 1860-1892.

<sup>60</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 145-146.

This large accumulation of military supplies was one of the results of the system of "local supply" to which Vance adhered. The state government purchased uniforms, shoes, and other supplies; issued them to the North Carolina soldiers in the field; and received commutation money from the Confederate government.

<sup>61</sup> Worth to D. Starbuck, August 30, 1865. Hamilton, *The Correspondence of Jonathan Worth*, I, 404-405.

<sup>62</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 142-162.



At three o'clock on the morning of April 12 Graham arrived in Raleigh, and after an early breakfast Vance, Swain, and the Senator repaired to the capitol, where a letter to Sherman was composed. A day or two before, as Vance later recalled, he had consulted Johnston "as to what it was best for me to do." Johnston frankly replied that the governor should make the best terms he could for the protection of the capital city and its people.<sup>63</sup> Before he could grant permission to send an embassy to Sherman, however, the Confederate general left Raleigh and went to Greensboro, where he met President Davis. General Hardee, who was left in command of the capital city, therefore gave Vance the necessary permit. In his letter to Sherman, Vance requested an interview with the general and asked that he spare the city and the records of the State, adding that Swain and Graham were authorized to treat with him for that purpose.<sup>64</sup> Armed with the permit from Hardee and with the letter from Vance, the two commissioners were accompanied by Surgeon General Warren, Colonel James G. Burr, and Major John Devereaux, all of whom were state officials. Early on the morning of April 12 they left Raleigh in a special train, prominently displaying a flag of truce. As the train was passing through the Confederate lines, it was halted and ordered to return to Raleigh by General Hampton, who had received orders from Johnston to withdraw the permit given by Hardee.<sup>65</sup> The engine was reversed and the train moved slowly back towards the capital city for a mile or two, when it was halted by a hundred Federal soldiers from Kilpatrick's cavalry. This detachment informed the commissioners of Lee's surrender and escorted them to Sherman's headquarters at Clayton. They presented Vance's letter and were gratified to find Sherman ready to make generous and amicable arrangements with the state government. Although the commissioners had hoped to return to Raleigh on the afternoon of the 12th and thus inform Vance that the capital city and the state officers would not be harmed, Graham and Swain were politely held by Sherman, who indeed had taken steps to get them to his headquarters after hearing that they had been turned back by General Hampton.<sup>66</sup>

<sup>63</sup> Dowd, *Life of Zebulon B. Vance*, p. 483. (From an address by Vance in 1885.)

<sup>64</sup> Dowd, *Life of Zebulon B. Vance*, p. 483. (This was the substance of the communication, Vance declared twenty years later. Neither this letter nor a copy of it has been found by the author.)

<sup>65</sup> It seems probable that Davis directed Johnston to send the commissioners back to Raleigh. Davis to Vance, April 12, 1865. *Official Records*, Ser. I, Vol. XLVII, Pt. III, p. 792.

<sup>66</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 142-162.



In the meantime Vance was anxiously waiting in Raleigh. Since the embassy had left early in the morning, he confidently expected it to return by 4 o'clock in the afternoon at the very latest. "It was extremely important that they should return by that time," he later said, "for the city of Raleigh was to be completely uncovered that night and the remaining of the Governor and all State officers in the discharge of their duties depended on the reply which was expected from General Sherman."<sup>67</sup> All during this troubled day many worried citizens hastened to the governor's office, seeking advice and encouragement. Although overburdened with cares and worries of his own, he took time to advise his callers to remain quietly in their homes, and thus when Sherman entered the city they could protect their families by their presence.<sup>68</sup>

Late in the day it was reported to Vance that the commissioners had been captured. No longer expecting their prompt return, he accordingly wrote Sherman another letter, saying that Mayor William H. Harrison had been authorized to surrender the city and requesting that the charitable institutions, the capitol, and the museum be spared from destruction.<sup>69</sup> After giving this letter to the city authorities, Vance lingered in Raleigh until midnight. At that hour he mounted his horse and rode out to General Hoke's encampment, about eight miles west of the city.<sup>70</sup>

On the following morning Swain and Graham entered Raleigh, expecting to notify Vance of the terms agreed upon.<sup>71</sup> They were then to return and inform Sherman of the governor's acceptance before the Federal army should reach the boundaries of the city. They found the capital city nearly deserted, scarcely a person on Fayetteville Street, the shops closed, and the governor gone. The commissioners took possession of the capitol in Vance's absence and made all arrangements for the protection of the city in accordance with the promise of Sherman. Mayor Harrison, accompanied by several citizens, went out to meet General Kilpatrick, who commanded the advance of the Federal army. Kilpatrick, accepted the surrender of the city and assured the mayor that the lives and property of the citizens would be

<sup>67</sup> Dowd, *Life of Zebulon B. Vance*, p. 484.

<sup>68</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, p. 147.

<sup>69</sup> Vance to Sherman, April 12, 1865. Swain Manuscripts, 1860-1892.

<sup>70</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 158-159.

In neither Georgia nor South Carolina had the governor of a state fallen into Sherman's hands. Vance apparently had no desire to be the first to try this interesting experiment.

<sup>71</sup> No copy of this agreement has been found by the author.



protected.<sup>72</sup> As the Federal advance guard entered Raleigh, the rear guard of Hampton's cavalry retreated, although not without first breaking into the state stores and helping itself to supplies which Vance had failed to transfer to the west. When Kilpatrick's men appeared, one rash young Texan by the name of Walsh suspended his retreat and remained behind. Taking up a position in Fayetteville Street, he emptied his revolver at the approaching Federals, who made a vigorous pursuit and caught him a few blocks farther on. He was brought back and promptly hanged, pleading vainly for five minutes' respite in order to write to his wife.<sup>73</sup>

Aside from this episode, there was little violence during Sherman's occupation of Raleigh. The offices of the *Confederate* and the *Conservative* were promptly wrecked, and the *Progress* was suspended until the editor learned to exercise a nicer discrimination in his criticisms of governments. A few dwellings were sacked, though not destroyed, and shopkeepers reluctantly made a number of transactions in which the passage of money was not involved. On the whole, however, the frightened little city was scarcely touched by the hand of war. Indeed, Sherman's army relieved some of the suffering which had been caused by the conflict. Horses, mules, and wagons were loaned to the farm people, and the poor of the city were fed from the Union commissary.<sup>74</sup>

With Sherman's veteran army in possession of the capital of North Carolina, William W. Holden continued a course of action which led to his appointment as provisional governor of the State. Directly under the front-page masthead of his newspaper he printed a famous peroration which informed his readers that hopes of Southern nationalism were dead: "'LIBERTY AND UNION, NOW AND FOREVER, ONE AND INSEPARABLE.'—DANIEL WEBSTER."<sup>75</sup> Aided by the Raleigh *Progress*, Holden began to pander to the Union army. He published laudatory sketches of Sherman, praised Andrew Johnson and Abraham Lincoln, and condemned Davis, Vance, and other Confederate leaders. Almost every day for two weeks he denounced Vance. The governor of North Carolina, he wrote, "has followed the fortunes of the insurgents and abandoned his own people to their fate. So far as he is concerned they are out of his pro-

<sup>72</sup> *The Daily Standard*, April 17, 1865.

<sup>73</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 142-162; Samuel A. Ashe, *History of North Carolina*, II, 999-1000.

<sup>74</sup> *The Daily Standard*, May 4, 11, 1865.

<sup>75</sup> *The Daily Standard*, April 20, 1865.



tection, and they can no longer look to him to conduct their affairs." In another part of the same issue, Holden more clearly developed his purposes. "Let the Governor of the State for the time being," he suggested, "be appointed by the federal government. . . ." <sup>76</sup> If Vance persisted in remaining absent from the capital when Sherman had extended a safe conduct for his return, "he cannot complain at the inauguration of such steps as may be necessary to administer the laws and protect the people." <sup>77</sup> Hearing of an attempt "by certain politicians to foist Gov. Vance on the people of this State," Holden declared that he would "refresh the public mind as to his course"; and in a two-column editorial he severely attacked Vance's administration of state affairs. <sup>78</sup> Two weeks later the editor asserted that a "reward of \$25,000 for Z. B. Vance, the rebel Governor of North-Carolina, would go very far towards finishing the rebellion in this State." <sup>79</sup>

Holden was not alone in his dissatisfaction over Vance's conduct, although he did have peculiarly strong hopes of profiting from it. Soon after receiving Swain and Graham at Clayton, Sherman had entrusted to these two commissioners a safeguard for Vance "and any members of the State Government that choose to remain in Raleigh." <sup>80</sup> Upon entering Raleigh on April 13 Sherman, Swain, and Graham found that Vance had left the night before. Immediate efforts were made to persuade him to return. Comfortably lodged in the executive mansion, <sup>81</sup> Sherman wrote the following pass and gave it to Graham for delivery to Vance:

To all officers & Soldiers of the U. S. Army.

Grant safe conduct to the bearer of this to any point twelve miles from Raleigh and back, to include the Governor of North Carolina and any member of the State or city Govt. on his way back to the capital of the State. <sup>82</sup>

With this safe conduct and riding in a conveyance given by Sherman, the two commissioners set out from Raleigh on April 14, after having made an effort the day before to negotiate the journey on foot. Passing through the opposing

<sup>76</sup> *The Daily Standard*, April 24, 1865.

<sup>77</sup> *The Daily Standard*, April 17, 1865.

<sup>78</sup> *The Daily Standard*, April 28, 1865.

<sup>79</sup> *The Daily Standard*, May 9, 1865.

<sup>80</sup> Sherman to Vance, April 12, 1865. Z. B. Vance Papers, VII.

<sup>81</sup> *The Daily Standard*, April 17, 1865.

<sup>82</sup> Sherman to Vance, April 13, 1865. Z. B. Vance Papers, VII.



lines of Kilpatrick and Hampton, they proceeded to Hillsboro, where they found the governor in Graham's own house. Here Vance was told for the first time of Lee's surrender, and many minutes were required before he could be convinced of the truth of the report. General Hampton also was ignorant of the surrender, for Johnston had kept the secret well. The commissioners then gave Vance the safe conduct and urged him to return to Raleigh, but the governor refused.<sup>83</sup> A short time before Swain and Graham appeared, Vance had received a dispatch from Davis, suggesting an interview at Greensboro. "We must redouble our efforts to meet the present disaster," Davis wrote hopefully. "Moral influence is wanting, and I am sure you can do much now to revive the spirit and hope of the people."<sup>84</sup> Vance decided, therefore, to see Davis before returning to Raleigh.

On Saturday, April 15, he mounted his horse and set out from Hillsboro, but when he arrived in Greensboro on Sunday he found that Davis had gone on to Charlotte. He then decided to return to Raleigh, but the Confederate military authorities would not allow him to pass through the lines while negotiations for peace were pending.<sup>85</sup> He therefore proceeded to Charlotte, where he had his last interview with Davis. In the presence of Secretary Reagan, Secretary Breckinridge, and one or more additional members of the cabinet, Vance presented himself. "Mr. President," he said, "I have come to see what you wish me to do." In his reply Davis appeared to be still full of hope. He discussed the situation exhaustively, mentioned the possibility of retreating beyond the Mississippi, and intimated the hope that Vance would accompany him with all the North Carolina troops whose loyalty he still commanded. "Mr. President," Secretary Breckinridge interjected, "I do not think you have answered the Governor's question." "Well," Davis replied, "What would you tell him to do?" Breckinridge answered that the hope of accomplishing anything by further hostilities was exceedingly remote, and that Vance should remain in North Carolina and attend to his duties. "The end is near," Breckinridge said, "and we should make the best terms we can for his people and for his State." With a deep sigh, Davis replied: "Well, perhaps, General, you are

<sup>83</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, p. 163.

<sup>84</sup> Ashe, *History of North Carolina*, II, 1000.

<sup>85</sup> Spencer, *The Last Ninety Days of the War in North-Carolina*, pp. 183-185.



right." Vance hastened to say that he agreed with Breckinridge's views, and after a little more conversation he arose and offered his hand to the President to tell him good-bye. Davis shook it long and warmly, saying: "God bless you, sir, and the noble old State of North-Carolina." Vance thus bade farewell to the Confederacy and returned to Greensboro, hoping to go to Raleigh and resume his duties as governor.<sup>86</sup>

The Confederate authorities, however, still would not permit him to pass through the lines, for peace negotiations were in progress. A letter to General Schofield in Raleigh, which was conveyed by Treasurer Worth, had no effect. The Federal general would not allow his return.<sup>87</sup> These negotiations for peace between Sherman and Johnston interested him very much, but he was not allowed to attend any of the conferences. For a while the governor was not a little angry over the manner in which he was ignored, and he complained to Johnston that he was being excluded "from a voice in the decision of the fate of my own people."<sup>88</sup> But when he learned of the generous terms offered by Sherman, he no longer complained. These terms provided not only for the surrender of Johnston's army, but also for the complete recognition of the executives and legislatures of the Southern states, merely requiring that the state officers obey the laws of the United States and swear allegiance to that government.

While these negotiations for peace were proceeding, Vance observed with anger that the state stores were being depleted by Confederate soldiers. A portion of the stores which remained in Raleigh was given to Johnston's army, and another portion was seized by his men; the supplies in Graham were pillaged by the Confederates; those in Greensboro were issued by a Confederate officer; and the state stores in Salisbury were impartially rifled by both Northern and Southern troops. ". . . I confess I am getting tired of it," Vance fumed ineffectually. "Having shown every disposition to be liberal & patriotic in dividing my means I should be much pleased to be permitted to dispose of the remainder as I see proper."<sup>89</sup> To his agent in Salisbury, Vance wrote on April 21: "Do not give up your Stores to

<sup>86</sup> Dowd, *Life of Zebulon B. Vance*, pp. 485-486; Ashe, *History of North Carolina*, II, 1003.

<sup>87</sup> Ashe, *History of North Carolina*, II, 1003.

<sup>88</sup> Vance to Johnston, April 19, 1865. Z. B. Vance Papers, VII.

<sup>89</sup> Vance to Johnston, April 16, 1865. Z. B. Vance Papers, VII.



anyone. Tell Genl Johnston that I forbid his touching my property without my consent."<sup>90</sup> But even the air of a proprietor, which Vance assumed, could not frighten the appetite out of hungry Confederates. The state stores continued to dwindle.

In the meantime, more important events were occurring. After anxious days of waiting at Greensboro, the Confederate authorities were at length informed that the terms offered by Sherman were not approved in Washington, and notice was given by Sherman that the armistice would be terminated in forty-eight hours. Vance immediately indicated his desire for an interview with Sherman and requested a safe conduct to the general's headquarters. "The object to be obtained," he wrote, "can be more fully set forth when we meet; but I will intimate that they [*sic*] refer now particularly to the immediate convening of the Legislature of the state & the adoption of prompt measures to save the people from a condition of anarchy which now threatens them."<sup>91</sup> Worth promptly informed Vance from Raleigh that Sherman had left, and that "Genl Schofield declines the interview you solicit here but says you can see him in a few days in Greensboro."<sup>92</sup>

Before receiving this letter the governor heard of Johnston's surrender of April 26, in which he received the same terms that Grant had given Lee. Knowing that the war had finally reached its end, Vance issued his last proclamation on April 28. In the hope of averting some of the many evils which threatened his people, he commanded roving bands of civilians and soldiers "to abstain from any and all acts of lawlessness"; he earnestly appealed to all good citizens to remain at home and exert themselves to preserve order; and he urged the "good and true soldiers of North Carolina" to form organizations and arrest or slay "any bodies of lawless and unauthorized men who may be committing depredations upon the persons or property of peaceable citizens. . . ."<sup>93</sup>

This document caused great merriment in Holden's editorial offices. "It will be seen by the proclamation of the late

<sup>90</sup> Vance to Thomas White, April 21, 1865. *Ibid.* Z. B. Vance Papers, VII.

<sup>91</sup> Vance to Sherman, April 27, 1865. Z. B. Vance Papers, VII.

<sup>92</sup> Worth to Vance, April 28, 1865. Governor's Papers, January-May, 1865.

When this is contrasted with Sherman's previously expressed desire that Vance return to Raleigh and resume his duties, it is apparent that the attitude of the United States government towards the Southern states had sharply changed. Military reconstruction seemed to be giving ample warning before it struck.

<sup>93</sup> Proclamation of April 28, 1865. Z. B. Vance Papers, VII.



Governor of North-Carolina," he wrote, "that he has at length concluded that 'further resistance to the forces of the United States is vain.' Is it possible? . . . The *Confederate*, the *Conservative*, the *Fayetteville Observer*,<sup>94</sup> and other *loyal* papers, will please copy the proclamation, and send bills for payment to the nearest Confederate Quartermaster."<sup>95</sup>

After issuing his proclamation, Vance appeared before General Schofield in Greensboro and surrendered himself; but Schofield, saying he had no orders to arrest him, told him to go to Statesville and remain there with his family. The governor, therefore, gathered all his "remaining personal possessions in the world"—a saddle horse, a wagon, and a pair of old mules—placed them in a freight car, "and with a few friends took passage in the same elegant conveyance towards the mountains."<sup>96</sup> On May 4 he arrived in Statesville, where his wife and four sons had taken refuge before Sherman advanced upon Raleigh. Although he had apparently taken no pains to conceal his movements, it was not generally known where he had gone after Johnston's surrender. "Where is Gov. Vance?" Holden asked on April 29, while Vance was still in Greensboro. "No one seems to know. It was reported that he had gone towards Danville, and also that he had left for the Blue Ridge region of this State. It may be, however, that he has fled with Davis and Benjamin."<sup>97</sup> On May 9 the editor of the *Standard* suggested that a reward of \$25,000 should be offered for his arrest.<sup>98</sup>

Two days later the Federal government took steps which relieved Holden's anxiety, when Grant ordered the arrest of the "late Rebel governor of North Carolina" and directed that he be sent to Washington under close guard.<sup>99</sup> Early on the morning of May 13, the thirty-fifth anniversary of his birthday, the governor's house in Statesville was surrounded by three hundred cavalymen under the command of Major Porter. While in his home with his wife and children, and without any previous notice, Vance received the order for his arrest. By arrangement with Major Porter it was agreed that they should not leave Statesville until the following morning, and at that time the problem of trans-

<sup>94</sup> The offices and presses of these three newspapers had been wrecked by Sherman's soldiers.

<sup>95</sup> *The Daily Standard*, May 3, 1865.

<sup>96</sup> Dowd, *Life of Zebulon B. Vance*, p. 493. (From an address delivered by Vance in 1885.)

<sup>97</sup> *The Daily Standard*, April 29, 1865.

<sup>98</sup> *The Daily Standard*, May 9, 1865.

<sup>99</sup> Dowd, *Life of Zebulon B. Vance*, pp. 98-99. (Since Holden was not appointed provisional governor until May 29, the arrest of Vance left North Carolina without a chief magistrate for more than two weeks.)



portation presented itself. There were no railroad trains running, the cavalry had only its pack horses, and the citizens of the town, in the light of their experiences, were somewhat reluctant to trust their vehicles to the Federal soldiers. This difficulty was soon surmounted, however, by the offer of Mr. Samuel Wittkowsky, a resident of Statesville, who tendered his own buggy and prudently offered to drive it. About 9 o'clock on the morning of May 14 the party started for Salisbury, four cavalymen on each side of the buggy and the remainder of the command in front and rear.<sup>100</sup> For a time Vance was overcome with grief and shed tears as they drove along in silence. As they reached the outskirts of the town, however, he wiped his eyes and began to talk to his companion. He was not concerned for himself, he said, but for his wife and children—"they have not a cent of money to live on." Many a man in his position, he continued (according to Wittkowsky), would have feathered his nest by shipping cotton to Europe. His friends had urged him to, "but thank God, I did not do it."<sup>101</sup>

After proceeding for twelve or fifteen miles, Vance's exuberant spirits returned, and he was soon regaling his captors with jokes. Through the courtesy of Major Porter, he was allowed to enter Salisbury without escort and remain unguarded in that town until the following day. Vance employed his time in seeking his friends and borrowing money, but he could raise only \$65. On the following morning Wittkowsky went to the station to bid him good-bye, and there found him surrounded by quite a number of Federal officers, "all as jolly as if the Governor and they had been old friends, starting on a pleasure trip."<sup>102</sup>

Leaving Salisbury on the morning of May 15, Vance arrived in Washington on May 20, exactly four years after North Carolina's secession, and was incarcerated in the Old Capitol Prison. Here he occupied a small cell with John

<sup>100</sup> During the first three years following Vance's capture and imprisonment, a number of false reports were circulated relating to these events; but he was not sufficiently annoyed to make a public reply until he heard of the boastful assertions of General Kilpatrick, who declared that he had tamed Vance by capturing him and riding him two hundred miles on a bareback mule. "I will do him the justice to say," Vance wrote in an open letter to the *New York World* on October 13, 1868, "that he knew that was a lie when he uttered it." The ex-governor then related the details of his capture by Major Porter, and added that he went in a buggy to Salisbury, where he boarded a train. "I saw no mule on the trip," Vance concluded, "yet I thought I saw an ass at the General's headquarters; this impression has since been confirmed." Dowd, *Life of Zebulon B. Vance*, p. 101.

<sup>101</sup> Dowd, *Life of Zebulon B. Vance*, pp. 95-96. (This is the recollection of Wittkowsky after about thirty years. If Vance actually made such a statement, he was ignoring the fact that he did ship at least thirty bales of cotton to Europe, some of it on vessels partly owned by the state, and that these shipments probably brought him about \$5,000 in gold. See *The North Carolina Historical Review* XVII (1939), 103.

<sup>102</sup> Dowd, *Life of Zebulon B. Vance*, 96-97.



Letcher, ex-governor of Virginia. No reason was given for Vance's arrest, and during the forty-seven days of his imprisonment no charge was made against him. When he received a parole on July 5, 1865, the cause of his release was not indicated, although it has been credited to his insistence during the war that Federal prisoners at Salisbury be well cared for.<sup>103</sup> On July 6 he left Washington and returned to Statesville, where the terms of his parole ordered him to remain. By December, 1865, President Johnson became somewhat more generous and allowed Vance to move freely within the limits of North Carolina. Some months later he took advantage of this extension by moving to Charlotte. There he resumed the practice of law and, aided by drafts on the proceeds of his cotton shipments,<sup>104</sup> soon lifted himself from poverty.

The collapse of the Confederacy and the political disabilities which were placed upon its leaders made it appear that Vance's public career was at an end. But if the war governor ever entertained such a view, the remainder of his life thoroughly refuted it. From the wreckage of an old political career, Vance soon began to build a new one. After his disabilities had been removed, he assumed the leadership of the Democratic party and wrested control of the State from the Scalawags and Carpetbaggers. Reëlected to the governorship in 1876, he entered the United States Senate three years later, and there he remained until his death in 1894. The people of North Carolina thus bestowed upon him the highest offices within their power.

<sup>103</sup> R. D. W. Connor, *Makers of North Carolina History* (Raleigh, 1921), pp. 235-236. (Holden believed his intervention caused the release. Hearing that Mrs. Vance was seriously ill, he telegraphed a request to President Johnson, asking him to set Vance free. The former governor was promptly released. W. K. Boyd, ed., *Memoirs of W. W. Holden* (Durham, 1911), p. 46.

<sup>104</sup> Statements of Denniston & Co., January 6, May 12, 1866; May 27, 1867. Z. B. Vance Papers, IX.



## POLITICAL DISTURBANCES IN COLONIAL GRANVILLE COUNTY

By NANNIE MAY TILLEY

For an illustration of the manner in which the colonial squire became, and remained, the dominant figure in provincial and local government, there is hardly a better source than the early history of Granville County,<sup>1</sup> North Carolina. The government of this county, situated upon the borderline of tidewater and the piedmont, was, during the colonial period, vested in the commission of peace, a body composed of an indeterminate number of justices. In a very real sense, these officials governed the county: they were invested with judicial duties and powers; they exercised control over the sheriff, the clerk of the court, and the local militia; they directed the policy of the vestrymen. Their power, moreover, did not cease at the boundaries of colonial Granville, for, with the justices of other counties, they were influential with the assembly and with the royal governor as well.

These colonial justices derived the power which made them the prevailing force in the government partly from the method of their appointment, which they themselves could control, and partly from the far-reaching nature of their duties and prerogatives. Although appointed primarily to constitute the county court, the justices were neither limited in number nor required to possess any fixed amount of legal training.<sup>2</sup> At the formation of Granville County in 1746, six justices were appointed; one was added some time before 1755; and five were restored in 1760.<sup>3</sup> In 1756 there were altogether twenty-two justices in the county, although court could be held when only three were present. Nominally these justices were appointed by the governor of the province with the consent of his council, but the appointments were usually made at the recommendation of members of the county court itself.<sup>4</sup>

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<sup>1</sup> Granville County, at its formation in 1746, included four present-day counties: Warren, Franklin, Vance, and Granville.

<sup>2</sup> Julian P. Boyd, *The County Court in Colonial North Carolina* (typescript, master's thesis, 1926, Duke University Library), p. 16.

<sup>3</sup> *The Colonial Records of North Carolina*, IV, 813; V, 493; VI, 343. (This work will hereafter be cited as *Colonial Records*.)

<sup>4</sup> Boyd, *County Court*, p. 171. See letter of Robert Jones to Governor Arthur Dobbs for the number of justices in 1756 (*Colonial Records*, V, 590-592).



The duties of the county court were manifold. In their judicial capacity the justices had original and appellate jurisdiction in cases of trespass, larceny, assault, battery, and other causes of a minor nature; they had, as well, oversight of orphans and their estates. Certain administrative duties also devolved on the justices, the most important being the power to influence tax rates through the action of the assembly. In one instance, in order to obtain funds for defraying expenses of the county government, a poll tax, thought sufficient to furnish funds for public buildings in 1746, was doubled two years later. Other duties included the management of ferries, the construction and maintenance of public roads and buildings, and the regulation of ordinaries, mills, weights and measures, slaves, indentured servants, and county boundary lines. The court also granted orders for letters of administration, heard the proving of wills, established head rights, issued marriage bonds, and recorded deeds and mortgages.<sup>5</sup> An addition to these multitudinous duties, perhaps even more significant than any of them, was the indirect control which the justices exercised over the appointment of the sheriff and the clerk of the court.

In the political hierarchy controlled by the justices, the colonial sheriff exercised more power than any other officer under the jurisdiction of the county court. Rarely, if ever, was any other individual than a justice of the peace appointed to serve as sheriff. Eventually the justices influenced the assembly to enact a law making it obligatory that the appointee be a justice of the peace. The desirability of the office as a political plum lay in the fact that it gave the incumbent opportunities for stealing public funds and controlling the political situation either by influence or by returning the name of a person not the choice of the electorate.<sup>6</sup> An idea of the degree of interest in the office of sheriff in colonial Granville may be gained from the following estimate of balances due from five sheriffs who served the county, as well as themselves, from 1760 to 1772.<sup>7</sup> These estimates were reported in 1773:

	£	s	d
James Yancey, 1760.....	240	4	1
Reuben Searcy, 1764.....	228	18	3

<sup>5</sup> For a detailed discussion of the powers and duties of the colonial justice of the peace in North Carolina, see Boyd, *County Court*, pp. 63-110. See *The State Records of North Carolina*, XXIII, 285, for the doubling of the poll tax. (This series will hereafter be referred to as *State Records*.)

<sup>6</sup> Boyd, *County Court*, pp. 111, 127-128.

<sup>7</sup> *Colonial Records*, IX, 572.



Philip Pryor, 1765.....	454	4	9
Leonard Henly Bullock, 1770.....	660	1	8
Robert Harris, 1772.....	755	7	6

Here is evidence that five sheriffs of colonial Granville failed to attend properly to public business. Since it is a matter of record that Thomas Person, John Pope, and William Bullock served as sheriffs during the same period and collected the taxes due, it seems that the five who failed to settle their accounts should have been able, at least, to show much smaller shortages. If the balance due from James Yancey in 1760 amounted to slightly more than £200, certainly Robert Harris should have been able to present a smaller shortage than £755. Indeed, the balances due indicate that the sheriffs of Granville County rapidly became bolder in embezzling public funds as the period advanced.

Because of the sheriff's responsibility for public funds, he was required to give bond to the amount of £1,000 sterling, and definite efforts were made to collect the shortages if the case of Philip Pryor may be considered as typical. The evidence, too, would indicate that the requirement of a bond was largely an empty gesture until late in the period. In 1771 an order from the clerk of the superior court, which met at Halifax, required that all goods, chattels, lands, and tenements belonging to Pryor, to the sum of £ 454 4s 9d, should be seized by the sheriff and sold. This order was the result of a suit brought against Pryor by Governor Tryon, the sum involved being identical to the amount due from Pryor as sheriff.<sup>8</sup> The £ 220 realized from this sale of Pryor's property, however, was less than half of his reported shortage. Doubtless Governor Tryon's effort to clean house among the sheriffs was a factor in gaining for him the unmerited name of tyrant.

Just as control of the office of sheriff constituted an important factor in the political sway of the court clique, so likewise did control of the position of clerk of the court. In the same fashion the clerk was appointed by the governor at the recommendation of the justices of the peace, who controlled the office so completely that crown officers rarely appointed persons not approved by the justices. The at-

<sup>8</sup> Granville County Record Book, I, 2-3 (in the courthouse at Oxford, N. C.); Granville County Deed Book, IJ, 155-157. (Hereafter references to the Granville County Deed Books will be by the volume, letter and page, as IJ, 155, or C, 64.)



traction of the position of clerk lay in the number of fees attached to the office. Quite often the office was farmed out to the highest bidder, and the acting clerks then charged exorbitant fees in order to reimburse themselves. By farming out the office, a single individual could hold more than one appointment at the same time.<sup>9</sup> Such was the situation in Granville County from 1764 to 1770 when Samuel Benton served as both clerk of the court and register of deeds.<sup>10</sup>

The political power of the justices also included control of the local militia and the further levying of taxes through the activities of vestrymen. Frequently the justices made recommendations to the governor concerning suitable men to be appointed as officers of the militia.<sup>11</sup> Apparently the county court also controlled the vestrymen of the established church. Half of the members of the first group of vestrymen for St. John's Parish, coterminous with Granville County, consisted of members of the county court.<sup>12</sup> These justices of the peace thus had a definite voice in the levying of all taxes.

The influence of the colonial justice of the peace extended beyond local government. A large proportion of the colonial assemblies of North Carolina consisted of members of the county courts, and Granville County contributed a full quota to that body. From 1746 to 1776 nine different men were sent from Granville to the assembly, and every one was a justice of the peace.<sup>13</sup> The court ring of Granville thus did more than its share in keeping a majority of justices in the assembly.

Upon such a political structure was the government of Granville County based, and discord might naturally have been expected from this concentration of political power in the hands of a closed corporation which also owned a large proportion of the property of the county.<sup>14</sup> And such was the case. Great inefficiency marked the location and construction of the courthouse. The justices of the peace became involved in a serious dispute with the governor because he removed one of their number from the commission of peace. Likewise, discord arose in the poorly managed local militia. The formation of Bute County from Granville was engi-

<sup>9</sup> Boyd, County Court, pp. 151-169.

<sup>10</sup> IJ, 52-53; G, 240.

<sup>11</sup> Boyd, County Court, pp. 178-180.

<sup>12</sup> State Records, XXIII, 249-250.

<sup>13</sup> Boyd, County Court, p. 178.

<sup>14</sup> Granville County Deed Books, A-L, *passim*; Granville County Record Book, I, *passim*.



neered by the justices, who had been responsible for years of poor government. The economic life of the county was so affected by the exorbitant fees demanded by court officers that the Regulator uprising had its inception in Granville County.

The public life of Granville became turbulent in character almost immediately after the founding of the county; a dispute concerning the location of the courthouse occupied the citizens continuously from 1746 until 1765. In the beginning the act which created the county decreed that sessions of the court should be held at Colonel William Eaton's dwelling, located where the Vance County Home now stands. Geographically, this site lay almost in the exact center of Granville after the formation of Orange County in 1752. The same act also ordered the justices, or a majority of them, in the first meeting at Colonel Eaton's, to select a proper site for building a courthouse, prison, and stocks; they were also to draw up specifications for erecting the buildings. Together with the expenses of running a dividing line between Edgecombe and Granville counties, the buildings were not to cost more than could be realized from a poll tax of two shillings, proclamation money, to be levied for a period of two years only.<sup>15</sup>

Because of an insufficiency of funds, the justices, two years later, had not been able to complete the buildings. Immediately a bill for levying further taxes was passed on April 6, 1748. At that time it was still necessary to complete the buildings which had already been started. The sheriff was, therefore, ordered to collect the tax and, at the same time, was allowed to retain six per cent of it for his services. William Eaton, who had apparently furnished a meeting place for the court in 1746 and 1747, was appointed, along with Edward Jones, to finish the buildings and establish the boundaries of the county.<sup>16</sup>

In less than four months Eaton and his colleague had achieved definite results in unravelling the poorly handled business of providing public buildings, a duty which the entire group of justices had so hopelessly confused. By order of court, they had chosen a location for the buildings, but, being six or seven miles from the northwest corner of the county as it existed in 1752, this first site was found to be

<sup>15</sup> *State Records*, XXIII, 249-250; note also J. E. Buck, *Map of Vance, Warren, Franklin, and Granville* (1907).

<sup>16</sup> *Colonial Records*, IV, 903, 906; *State Records*, XXIII, 285.



very inconvenient. The reason given by the justices for their failure to choose a convenient site was that they were unfamiliar with the bounds of the county, a very weak excuse which did not save the citizens from expense and inconvenience. Eaton and Jones were therefore empowered to choose a site at or near Tabb's Creek, a tributary of the Tar River, and to contract with workmen to build the houses of such dimensions as seemed suitable. The uncollected taxes already levied were to be collected and paid to Eaton and Jones. Meanwhile the courthouse, prison, and stocks which had been started in the northwest corner of the county, would be of no service if finished, and accordingly the commissioners were ordered to sell them and apply the proceeds to the buildings on Tabb's Creek.<sup>17</sup>

In less than two years, by April 16, 1750, court was being held in the completed building near Tabb's Creek,<sup>18</sup> evidently on land which had belonged to William Eaton.<sup>19</sup> It required only four years for the citizens of Granville to decide that a location in the center of their county was an inconvenient site for a courthouse. They petitioned the assembly in 1754, praying that their court be removed. The bill for removal of the courthouse was introduced and passed once in the house and once in the council, although amendments were attached by the last-mentioned body. Later, however, the bill received a negative note, possibly due to the amendments attached by the council.<sup>20</sup> Despite this negative note, one may read of the courthouse prong of Sandy Creek as it existed on April 1, 1760,<sup>21</sup> and of "the court house road on the south side of Sandy Creek," August 10, 1761.<sup>22</sup> By 1764, however, the influence of Samuel Benton had brought the local seat of justice to Oxford, the name of Benton's private estate.<sup>23</sup> In the language of George Sims, Benton moved the courthouse in order "to bring grist to his own mill";<sup>24</sup> for Benton during this period was serving as clerk of the Granville County court and as one of the commissioners appointed to build the new courthouse, prison, pillory, and

<sup>17</sup> *State Records*, XXIII, 297-298. The year 1748 was four years earlier than the formation of Orange County; and, prior to that time, Granville was a frontier county with no definite western boundary. Apparently the location was inconvenient but not for the reason assigned in the act.

<sup>18</sup> A, 303.

<sup>19</sup> H, 237.

<sup>20</sup> *Colonial Records*, V, 229, 230, 248, 260.

<sup>21</sup> H, 337.

<sup>22</sup> F, 53.

<sup>23</sup> Granville County Record Books (1754-1770), p. 108; W. K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, pp. 188, 192; K, 204.

<sup>24</sup> Boyd, *Eighteenth Century Tracts*, p. 188.



stocks.<sup>25</sup> After June 10, 1765, all public business was to be handled from the new courthouse on Benton's estate.<sup>26</sup> Unlike its inefficiently constructed predecessor, this new building was ready for use practically a year earlier than the act directed.<sup>27</sup> Evidently Benton furnished the driving power for the rapid removal of the county business to his own estate, and there can be little doubt that the ruling clique in the eastern part of the county was equally as anxious to launch Bute County on its political career. At any rate the officials of the latter county were also ready for the transaction of public business earlier than the act of establishment directed.

Although there is considerable uncertainty concerning the location of the different courthouses in Granville County, the foregoing discussion offers proof that court was held, or preparations were made for it to be held, in five different places during a period of nineteen years, from 1746 to 1765. The expense and inconvenience no doubt caused great hardships for the citizens. To farmers living in the more isolated sections it must have been somewhat of a problem to keep informed concerning the frequent changes in the location of the seat of justice. Some of these changes may have been due to caprice or lack of foresight, but one, at least, arose from the incompetence of the justices and another from the unprincipled scheming of a public officer who used his position to further his private interests; that same officer was also a justice of the peace.

In the political circles of Granville County the commission of peace, with Robert Harris as the chief firebrand, furnished another disturbance of the first order. When the council met at New Bern in 1755, Governor Dobbs was told that one of the justices of Granville County had spoken contemptuously of him. On being called before the governor, Harris, at that time a member of the assembly, confessed that the rumor was true. Thereupon the governor ordered that Harris's name be stricken from the commission of peace for Granville County.<sup>28</sup> When the next commission was announced at the June court, 1756, the name of Robert Harris was, of course, absent; and because of this omission practically every justice named in the commission refused

<sup>25</sup> *IJ*, 29; *State Records*, XXIII, 626.

<sup>26</sup> *State Records*, XXIII, 625.

<sup>27</sup> *Granville County Court Records (1754-1770)*, p. 108.

<sup>28</sup> *Colonial Records*, V, 493.



to qualify. They considered the dismissal of Harris as an insult to the entire group. No man of spirit, they contended, would qualify until the governor included the name of Robert Harris in the list of justices. They formed a compact to hold no court until the roster of the commission met with their approval. Nor did they hold court for the month of June, 1756; their failure to do so at that time was reported to Governor Dobbs by the attorney general, Robert Jones, and is verified by the court records. During 1757 and 1758 court was held, although few cases were considered. No court met in December, 1759, shortly after the appearance of Searcy's petition, nor in March and June, 1760.<sup>29</sup> In the assembly, however, Robert Harris was appointed to the committee of propositions and grievances in May, 1760,<sup>30</sup> and he and his colleagues were restored to the roster of justices of the peace the following December. After that year there were few failures to hold court according to the regular schedule.<sup>31</sup> Harris, with his hold on local politics still undisputed, was listed as a justice in 1776,<sup>32</sup> and was no doubt as strongly entrenched in power as in 1760 when he forced the hand of Governor Dobbs.

In the dispute, the governor created the first significant breach by heeding the recommendation of Robert Jones, the attorney general. Jones, in a letter to Governor Dobbs, described the situation in Granville and reported unfavorably concerning several members of the county court. It was not until 1760, four years later, that Governor Dobbs returned Harris's name to the commission of peace. At the same time he also restored Samuel Henderson, Osborn Jeffreys, Samuel Benton, and Philip Pryor to the commission, although none of them had been favorably recommended by Robert Jones in 1756.<sup>33</sup>

During this period, while the angry politicians sought to regain control, there appeared "The Petition of Reuben Searcy and Others," dated March 23, 1759.<sup>34</sup> This document was addressed "To the Worshipful Court" with the complaint that " . . . Liberty that dearest of names and Property that best of charters, seems to be too much detracted, as we verily believe by the illusive insinuations of

<sup>29</sup> Letter from Robert Jones to Governor Arthur Dobbs about the Granville Peace Commission, *Colonial Records*, V, 590-592; Granville County Court Records (1754-1770), pp. 29-34, 51-58.

<sup>30</sup> *Colonial Records*, VI, 405.

<sup>31</sup> Granville County Court Records (1754-1770), *passim*.

<sup>32</sup> *State Records*, XXIII, 993.

<sup>33</sup> *Colonial Records*, V, 590-592; VI, 343.

<sup>34</sup> Boyd, *Eighteenth Century Tracts*, pp. 180-181.



Mr. Robert Jones, Jr." After attributing numerous shortcomings to Jones, the author of the petition wrote that Jones had "not only impos'd on the inferior class of mankind" but likewise on "his Excellency Arthur Dobbs Esqre" by "false and unjust Representations in matters relating to our County of Granville." Intermingled with further diatribes against Jones appeared the motive which prompted the petition:

. . . that gentleman [Jones] . . . hath prevailed on his Excellency and Honours aforesd [the Council] to issue a Commission of Peace for our said County thereby leaving out of said Commission several worthy gentlemen that were very serviceable and beneficial to our said county.

The anger of the court ring of the county had thus centered on Robert Jones who was, indeed, responsible for the removal of four names from the commission of peace. The "illusive insinuations of Mr. Robert Jones, Jr." were nothing more than a part of his report to Governor Dobbs on the incompetence of the justices appointed in 1756. In the petition, Jones was further condemned for charging exorbitant fees in his legal practice; the climax of the petition, however, appears in the request that the attorney general be prohibited from pleading cases in the court of Granville County. To complete the connection, it only remains to show that Searcy belonged to the court ring of Granville. Reuben Searcy in 1764 was sheriff of the county, and, in the previous year, had been collector of taxes although he had not given bond as was customary.<sup>35</sup> It will be recalled that Searcy was also one of the delinquent sheriffs of Granville County. As will be explained below, Searcy gained notoriety as the chief figure in an election fraud during 1760. By all indications Searcy's interests were at one with those of the justices of the peace.

In the end Governor Dobbs was forced to give over to the demands of the Granville justices although he tried to save his face by ordering an investigation of the several complaints which had been made against some of the justices.<sup>36</sup> The entire disagreement started with one man, Robert Harris, and because one local politician was displeased, the governor and the attorney general had to bow to the demands of the

<sup>35</sup> G. 261; *Colonial Records*, IX, 572-573.

<sup>36</sup> *Colonial Records*, VI, 343.



justices. From Jones's report it is evident that the governor was notoriously ignorant as to the type of men on the commission of peace. Of the twenty-three justices serving in 1756, only nine were active. Several justices had refused to qualify. One, however, had previously been dismissed by order of the council; two had moved to other counties; and one was a common drunkard.<sup>37</sup> The governor's lack of information was, no doubt, due to his reliance on the justices for reports concerning the fitness of appointees. Very few cases so clearly demonstrate the independence of local politicians, and, at the same time, the lack of authority of officers of the crown, as does this controversy in which the dominant figures were colonial squires.

A consideration of the condition of the Granville County militia likewise reveals the justice of the peace as the central figure in the incompetent administration of military affairs. Earliest accounts of the Granville militia, in 1754, show William Eaton acting as colonel of a regiment consisting of eight companies with 734 men and a number of officers. Two of the captains had moved their residences from the county and others had resigned. Evidently military service on the part of the officers was not considered important because Eaton wanted these delinquents fined by the action of a court martial. In the same report, which contained recommendations for officers, Eaton also suggested names for the peace commission.<sup>38</sup> One year later, in 1755, not half of the militia was armed.<sup>39</sup> In 1756 William Person, commander of the Granville regiment, reported the same troubles: a dearth of active officers and a scant supply of ammunition.<sup>40</sup> Seven years later William Person, perhaps considering the situation hopeless, refused to act as colonel; he had failed to qualify for his commission of colonel for three previous years. The failure of other officers in the performance of their duty was also reported to Governor Arthur Dobbs. In spite of poor morale on the part of officers and the lack of equipment, 1686 men were listed in the different companies.<sup>41</sup> The county militia was, therefore, quite a strong organization from the standpoint of numbers and potential voting power.

<sup>37</sup> *Colonial Records*, V, 590-592.

<sup>38</sup> *State Records*, XXII, 306-308, 314.

<sup>39</sup> *Colonial Records*, V, 603.

<sup>40</sup> *State Records*, XXII, 366-367.

<sup>41</sup> *State Records*, XXII, 368-370.



The general musters seem not to have been regarded very seriously and the poorly trained members of the militia objected to regular attendance at musters. When required to drill with clubs by company officers on account of a lack of arms, the men were discouraged by their regimental officers. According to a company officer in 1755, the commanding officer discouraged serious drill in order to get the votes of the men at election time. This perhaps over-zealous captain, John Sallis, also declared that his men so objected to drill that they petitioned the governor for a different captain. Their choice in his stead was Jonathan White, a member of the commission of peace. Sallis had been a member of the commission of peace earlier, but had been dismissed by order of the council. The entire disturbance was no doubt due to a desire on the part of the justices to have one of their own number in the place of John Sallis. In fact, wrote Sallis, "had I not been left out of the Commission of Peace, they'd aimed at no Petition. . . ." The dislike of the justices to Sallis first developed after his name had been dropped from the peace commission. Robert Harris, however, espoused Sallis's cause, and Sallis gave Robert Jones's name as a character reference, which two facts, perhaps, might cause more credence to be placed in the statements of Sallis. Jones seemed to give a just analysis of the troubles of the peace commission; yet he was opposed to Harris.<sup>42</sup> In the end the justices won, and Sallis ultimately sold all his possessions, including "land and drum and colors."<sup>43</sup> That the county militia was sacrificed to politics and subject to poor management is a conclusion supported by abundant proof. In fact, incompetency and political chicanery were so glaring that the men of Sallis's company who failed to report for muster duty received no punishment, while those who reported properly were actually punished.<sup>44</sup>

The hand of the justice of the peace can also be seen in the maneuvers which resulted in the formation of Bute County.<sup>45</sup> Agitation for the formation of another county began as early as 1758 and did not end until 1764, when Bute was formed from the eastern part of Granville. James Payne and Robert Harris, who launched the movement in the assembly,

<sup>42</sup> *Colonial Records*, V, 424-426, 590-592. Note p. 425 for the quotation.

<sup>43</sup> C, 7.

<sup>44</sup> *Colonial Records*, V, 566-567.

<sup>45</sup> Bute County, composed of present-day Warren and Franklin counties, did not survive the Revolutionary War; the unpopularity of the Tory name, Bute, caused the change.



were also justices of the peace for Granville County, as was Samuel Benton. Benton, however, did not appear in the assembly until 1760,<sup>46</sup> although more than likely it was he who set the stage very carefully in Granville in order to send a petition by Robert Harris. Harris introduced the bill, which, in a brief period, was brought before the assembly fifteen times.<sup>47</sup> With the presentation of a second petition from "sundry of the Inhabitants of Granville" asking that the county be divided, Benton entered the contest in person on April 24, 1762.<sup>48</sup> On December 6 of the same year an attempt was made to delay the bill on the technical charge that the words "Prince George" were not properly written into the bill as it came from the house to the council.<sup>49</sup> But the bill was passed and sent to the governor, who refused his assent to the act. The Granville politicians, however, seem to have resorted to the familiar practice of forcing Governor Dobbs's hand, for he later and somewhat vain-gloriously wrote the Board of Trade that he had made a new county from Granville.<sup>50</sup>

The insistence of Harris and Benton on the formation of a new county was more than likely due to the possibility of profit in the erection of new public buildings for the county. At any rate, Harris, Benton, and Philip Taylor were appointed commissioners to erect all the buildings.<sup>51</sup> Before the passage of the bill, both Harris and Benton no doubt felt that they could control the appointment of the commissioners. There are other plausible reasons for Benton's concern in changing the boundaries of Granville County. He owned a large tract of land on Fishing Creek,<sup>52</sup> which he apparently wished to develop. He had already sold sections of this tract to two mercantile firms and had what was evidently the chief parish church on his estate.<sup>53</sup> It is more than likely that he owned interests in the stores, and the location of the courthouse at Oxford would draw patronage to that place and thereby destroy the competition offered by the nearby village of Harrisburg.<sup>54</sup> These factors must have bulked large in his motive, although it is possible that,

<sup>46</sup> See *Colonial Records*, V, 1026, for the first agitation of the question by Harris and Payne. Note also *State Records*, XXIII, 497-498, for the act establishing Bute County. For the status of Benton, Payne, and Harris, see *Colonial Records*, VI, 343, 470.

<sup>47</sup> Based on accounts found in *Colonial Records*, VI, *passim*; note especially p. 152.

<sup>48</sup> *Colonial Records*, VI, 815, 824.

<sup>49</sup> *Colonial Records*, VI, 869.

<sup>50</sup> *Colonial Records*, VI, 891-892, 1036.

<sup>51</sup> *State Records*, XXIII, 626.

<sup>52</sup> K, 204.

<sup>53</sup> II, 25.

<sup>54</sup> K, 204.



in his dual capacity as register of deeds and clerk of the court, both of which offices he held just prior to the formation of Bute County, he desired the presence of fewer politicians to check on his operations. He could have been influenced to some degree by a desire to have his work in a more convenient location. In the face of George Sims's statement that Benton sought "to bring grist to his own mill" and that he held two important county offices simultaneously, the obvious conclusion is that he wanted the courthouse moved, and Bute County formed, in order that he might become complete master of the political situation.

The ubiquitous justice of the peace likewise figured in another matter of public interest to the colonial inhabitants of Granville County. From 1754 to 1766 there was a series of disputes connected with public elections held in the county. In 1754 William Hurst presented the first recorded petition which contained complaints of "an undue Election of Mr. Robert Harris, one of the Representatives for Granville County." The house then resolved itself into a committee to consider the matter, whereupon Hurst came before the body as a sworn witness. After considering "well" on the question, the members of the assembly came to the peculiar conclusion that the law did not authorize them to inquire into an election except during the actual time when the election was being held; at the same time the members decided that Harris had been properly elected.<sup>55</sup> Despite Hurst's statement that the election was subversive of the laws of the province and the rights of the citizens, the members of the assembly confessed their inability or disinclination to make energetic inquiries into the situation. The preponderance of justices of the peace in the assembly no doubt rendered any other decision impossible.

Similar trouble arose again in 1760. The sheriff returned a writ of election with the explanation that he had been unable to hold a legal election and a request that the clerk issue another writ.<sup>56</sup> It was found by a special committee that the sheriff had discontinued the election because the courthouse was so crowded and the people so boisterous that the election could not be continued. Furthermore, Reuben Searcy, a sworn clerk for taking the poll, had shown great partiality. When the sheriff had adjourned the election

<sup>55</sup> *Colonial Records*, V, 242; 244-245.

<sup>56</sup> *Colonial Records*, VI, 367.



and both clerks had retired, Searcy returned to the courthouse without the knowledge of the sheriff and continued the counting of votes. He then summed up the votes and proclaimed Samuel Benton and Robert Harris as duly elected representatives to the assembly. Searcy refused to give up the polls to the sheriff, saying that, as a sworn clerk, he had a right to them, and that he had notified the sheriff when there was room in the courthouse. The sheriff, according to Searcy, had paid no attention to the information. Another writ was issued, and Searcy was summoned before the house to answer for his actions. His punishment, however, consisted of a reprimand and an excuse from paying the costs.<sup>57</sup> In this case the assembly contradicted its decree relative to the Hurst petition: that it was illegal to inquire into a closed election. The significant factor involved in the dispute was the concern of Robert Harris and Samuel Benton over the outcome. Their election as members of the assembly was due either to the sheriff's indifference or to chicanery. Benton therefore made his first appearance in the assembly as a result of this disputed election, and it seems likely that Searcy and Benton were in collusion. As further proof, Searcy followed Benton as clerk of the court, thus becoming a full-fledged member of the county machine. Searcy would hardly have succeeded Samuel Benton at his death had they been political enemies, because Jesse Benton succeeded his father as register of deeds.<sup>58</sup>

The next disputed election involved Thomas Person, who supposedly failed to return a writ of election while he was sheriff in 1762. This case was also investigated by the assembly. Although the clerk of the crown testified that he had issued the writ, Person's affidavit declared that no writ for electing representatives, if it had been issued, had come to him or to anyone that he knew. Confronted by these contradictory statements, members of the assembly grudgingly accepted the statement of Person and requested that the governor have another writ issued. Whether it be significant or not, Robert Harris and Samuel Benton again represented Granville County in the assembly after this dispute.<sup>59</sup> Apparently Person was innocent, and the statement of the clerk of the crown also rang true.

<sup>57</sup> *Colonial Records*, VI, 366-368, 401, 405, 406.

<sup>58</sup> *IJ*, 52, 311.

<sup>59</sup> *Colonial Records*, VI, 895, 897, 898, 1150.



Four years after Person's trouble with the lost election writ, five cases involving illegal voting came before the court of Granville. All the suits were brought by the same man, John Jones, Jr. Each of the cases appeared on the docket for August 5, 1766, and the defendants were Grimes Halcomb, Christopher Hunt, Isham Parham, John Parham, and John Smith, all of whom were found guilty and fined the full penalty of the law, five pounds proclamation money.<sup>60</sup> Although no connections are apparent between these five cases and the previously discussed election frauds, their occurrence does point to questionable election methods.

It was in Granville County, where the justice of the peace controlled political institutions and thereby exerted a strong influence in economic life, that the first outcry was heard against the *status quo*. This movement, known as the Regulator uprising, was by no means confined to Granville. In this instance, however, the movement will be approached in the light of events that occurred in this one county. The very first record of the approaching Regulation outbreak appeared during 1765 in what is called the "Nutbush Paper," or "An Address to the People of Granville County," by George Sims.<sup>61</sup> This paper was directed against Samuel Benton, the political czar of colonial Granville. There are no records to prove the truth of Sims's statement concerning the high fees charged by Benton while clerk of the court, but some of his accusations are borne out by established facts. As has been shown above, Benton was a member of the assembly; he used his office to further his private finances; his influence brought the courthouse to his own estate; and the deed books of Granville, beginning about 1760, are filled with executed judgments where the sale price fell below the debt. Since the chief accusations made by Sims are thus borne out by other contemporary records, there is little reason for doubting the sincerity of the paper. It would seem, therefore, that conditions leading to the Regulator outbreak perhaps reached a climax earlier in Granville than in other counties. Sims pictures a poor man with a farm going in debt to his merchant for four or five pounds until his crop can be marketed. The judgment bond which he has given the merchant is thrown into court before the crop

<sup>60</sup> Granville County Court Records (1754-1770), p. 153.

<sup>61</sup> *Colonial Records*, VII, p. xx. See Boyd, *Eighteenth Century Tracts*, pp. 182-192, for the complete text of George Sims's address to the people of Granville County, dated June 6, 1765, at Nutbush, Granville County.



is harvested. The clerk of the court, Benton, then makes such an exorbitant charge for entering the judgment on the docket that it requires twenty-seven days' work on Benton's farm to obtain the clerk's fee.<sup>62</sup> Such unjust charges evidently produced hard feelings and poverty, while property was rapidly passing into the hands of a few.

After the appearance of the "Nutbush Paper" in 1765, it is evident that the public temper became increasingly agitated. The first notable outbreak occurred some time prior to September 30, 1768, when one Dennice Bradley was indicted on the "suspicion" of having burned the Granville County jail. Since Bradley was deemed unable to pay any fine, he was discharged.<sup>63</sup> Probably before the burning of the jail, Governor Tryon sent an order to the commanding officer of the Granville militia empowering him to call out troops for repelling insurrections against the government. It was not until five months later, however, that the Granville battalion marched into Hillsboro where the Regulator uprising was then centered. This battalion was top-heavy with officers, including one colonel, one lieutenant-colonel, one major, four captains, four lieutenants, four ensigns, one adjutant, one clerk, nine sergeants, and six corporals, not to mention four drummers. Commanded by Robert Harris, the battalion consisted of ninety men who were paid £209 10 s for the expedition into the neighboring county of Orange. The cost of food for the battalion amounted to slightly more than seven pounds, a sum obligingly advanced by Robert Harris. Although the battalion was sent to Hillsboro primarily for protecting the court which had been convened there, no disturbances occurred, and nothing was gained by the use of the militia. But the people of Granville bore the expenses of the battalion, which returned home seven days after having entered Hillsboro.<sup>64</sup>

Meanwhile, Governor Tryon practiced leniency, and the oppressed people turned to politics in an effort to effect reform in local government. Impatient of such slow methods and probably disbelieving that any reform was being attempted, a group of Regulators in the vicinity of Orange County invaded the superior court being held at Hillsboro

<sup>62</sup> Boyd, *Eighteenth Century Tracts*, pp. 187-189.

<sup>63</sup> *Colonial Records*, VII, 845-846.

<sup>64</sup> *Colonial Records*, VII, 718, 827, 836, 887; IX, 146; *State Records*, XXII, 485-492, 859; J. S. Bassett, "The Regulators of North Carolina" (*Annual Report of the American Historical Association*, 1894), pp. 178-180.



on September 22, 1770. When court was disturbed by the Regulators, Associate Justice Richard Henderson was presiding. Henderson adjourned court, presumably until the following day, but actually in order to escape from Hillsboro during the night, a decision later approved by Governor Tryon. Reverberations came from Granville on November 12, 1770, when Henderson's barns, stables, and corn were burned, and again on November 14, when his dwelling suffered the same fate.<sup>65</sup>

The governor immediately issued a bombastic proclamation offering a reward of £100 and pardon to any offender who would confess and give the names of his accomplices. Richard and Thomas Henderson, the two brothers from Granville, then alarmed the government exceedingly by telling the council that a large body of Regulators would undoubtedly come to New Bern to assault the assembly during the next session. Tryon accordingly advised all officers of the militia to hold their men in readiness. Conditions remained more or less static for another month and during this period Hermon Husband, the leading Regulator in the province and at that time a member of the assembly, presented to that body a petition of sundry grievances from Hosea Tapley of Granville County.<sup>66</sup> The grievances, no doubt, arose from the high fees charged by county officers. The presentation of Tapley's grievances probably constituted Husband's last work in the assembly, for ten days later, on December 20, 1770, he was expelled from that body and placed in jail. In the following February Husband was released and all remained quiet until a defiant letter written by Rednap Howell, another leader of the Regulators, was intercepted. Disorders followed and on March 19, 1771, Tryon ordered the militia out.<sup>67</sup> He called for 100 men from Granville and levied a requisition on the Grassy Creek settlement in the northern part of the county for forty steers and twenty barrels of flour. There is no evidence that either order was obeyed; from Bute County, shortly before a part of Granville, not a single man could be obtained.<sup>68</sup> From all appearances, the people of Granville seemed in whole-hearted sympathy with the Regulator movement. With the exception of the rôle of Thomas Person in that movement,

<sup>65</sup> *Colonial Records*, VII, 691; VIII, 235, 244, 258-260, 518-520, 686-688; Bassett, *Regulators*, pp. 180-192.

<sup>66</sup> *Colonial Records*, VIII, 259-260, 309, 687.

<sup>67</sup> *Colonial Records*, VIII, 494-495, 536-539, 697; Bassett, *Regulators*, pp. 198-199.

<sup>68</sup> *Colonial Records*, VIII, 552, 697, 715.



Governor Tryon's unobserved orders appear to be the last records of the disturbance in Granville.

Records leave a confused account of Thomas Person's association with the Regulator uprising.<sup>69</sup> Person was a leading citizen of Granville, having served as sheriff in 1762. In view of his interest in the movement, it is a significant fact that, when sheriff, he left no trail of embezzlement in handling public funds as did five other men who held the same office in the same period.<sup>70</sup> Of similar import was the statement of Attorney General Robert Jones, Jr., in recommending Person "as fitly Qualified to act as magistrate" when he and Governor Dobbs were striving to reform the government of Granville County in 1756.<sup>71</sup> Principles of a democratic government, which permeated European and American thought early in the eighteenth century, had doubtless been embraced by Person before the Regulator uprising. At least two other contemporary events point to the conclusion that he entertained unorthodox ideas with reference to government: of importance is the liberal tone of a letter written by Person to his brother, William; by inference, however, the dedication of George Sims's stirring address on unjust fees to Person furnishes stronger evidence. Moreover, Person had asked for a copy of Sims's address.<sup>72</sup> The important rôle of Person in the American Revolution and his vehement fight to have North Carolina reject the United States Constitution, because of the great taxing powers granted the federal government, furnish further evidence of his interest in democratic processes.<sup>73</sup> It may be assumed, therefore, that Person believed the Regulator movement to be the forerunner of reform in government. Perhaps he realized later that the uprising failed to provide the opportunity which he had visioned, and, upon realization of that fact, he ceased to identify himself with it. The note left by the Regulators on the Orange County docket, "Per-

<sup>69</sup> Bassett, in the standard work on the North Carolina Regulators, page 206, writes of Person's connection with the Regulator movement: "Just what this relation was does not appear."

<sup>70</sup> *Colonial Records*, VI, 895, 897, 898; IX, 572.

<sup>71</sup> See *Colonial Records*, V, 592, and previous discussion in this article.

<sup>72</sup> Letter from Thomas Person to William Person, Person Papers, archives of the North Carolina Historical Commission, Raleigh; Boyd, *Eighteenth Century Tracts*, pp. 182-183. Person is described in Abernethy, *From Frontier to Plantation in Tennessee*, p. 35, as a friend of the former Regulators and "[a] philosophical Radical."

<sup>73</sup> For the best sketch of Thomas Person, see Stephen B. Weeks, "Thomas Person," in S. A. Ashe, ed., *Biographical History of North Carolina*, VII, 380-398. Note the statement attributed to Person by Thomas Iredell in a letter to his brother, James, written May 22, 1788, from Edenton, North Carolina: "... General Washington was a damned rascal, and traitor to his country, for putting his hand to such an infamous paper as the new Constitution." Furthermore, Person wished the statement published and the name of the author given to any person who desired it; see Griffith J. McRee, *Life and Correspondence of James Iredell*, II, 224-225. Note also Bassett, *Regulators*, p. 206.



sons dead,"<sup>74</sup> was probably intended to show that Person's interest in the Regulation seemed to be dead.

Be that as it may, Person was regarded as an outstanding leader of the Regulator movement although, unlike the Regulators in general, he was the owner of large estates. Governor Tryon held Person in prison at Hillsboro. Tradition gives two versions of his escape from conviction as a leader of the rebels. One account is that, by a gentleman's agreement, the jailer permitted his distinguished prisoner to ride to his home in Granville during the night for the purpose of destroying incriminating papers; the other is that the Reverend George Micklejohn of Granville, although aligned against the Regulators, fetched the papers to Person who destroyed them while in jail. At any rate, Tryon's soldiers failed to find any incriminating evidence when Person's home and desk were searched. There seems to be no evidence regarding a formal trial of Person, but he was arraigned in the assembly for perjury and extortion during 1770 and again in 1771. This arraignment ended in his exculpation despite the efforts of Richard Henderson to the contrary.<sup>75</sup> Neither jail nor arraignment halted Person in his efforts to alleviate the tax rate imposed on the inhabitants of Granville County. On November 27, 1771, less than a year after his acquittal by the assembly, he presented a petition to that body from the inhabitants of Granville County for a reduction of taxes "setting forth, that they Labour under a heavy and burthensome Tax, which the Exigencies of Government has hitherto made necessary. . . ."<sup>76</sup>

The connection of Granville County with the Regulator movement, then, according to Sims's analysis of 1765 and many supporting facts, had its origin in county politics and was fundamentally a political question which grew into an economic problem. Under the extraordinary political dictatorship of Samuel Benton and Robert Harris, citizens of Granville probably had ample cause to cry out earlier than those of other counties. Though Bute has been pictured as a county where the rule of the political ring was most strongly intrenched,<sup>77</sup> the methods of its politicians were inherited

<sup>74</sup> *Colonial Records*, VIII, 240.

<sup>75</sup> *Colonial Records*, VIII, pp. xxvii-xxviii, 118, 326, 333, 448-449, 461, 467; XI, 141; Abernethy, *Frontier to Plantation*, p. 35; Weeks, "Thomas Person," in Ashe, *Biographical History*, VII, 348.

<sup>76</sup> *Colonial Records*, VIII, 448-449; IX, 146.

<sup>77</sup> Boyd, *County Court*, pp. 175-176.



intact from its mother county, Granville. Except for the personalities of Sims, Benton, Henderson, and Person, Granville's share in the events of the Regulator uprising was no more spectacular than that of other counties in the same vicinity even though discontent with county political affairs was first voiced in Granville.

Although decidedly an anticlimax in comparison with the Regulator movement, the organization of the Transylvania Land Company must have stirred the citizens of Granville County. This company was doubtless the outcome of two policies advocated by the British government after 1763, a date generally accepted as a turning point in the history of the American colonies. After 1763 mercantilist ideas in England became interwoven with ideas of imperialism,<sup>78</sup> and the new combination gave rise to closer attention to colonial affairs. Governor Tryon had sided with the Regulators to the extent of sponsoring certain reforms. No doubt his aim was to increase revenues, which had been finding a permanent resting place in the pockets of justices of the peace. Then came the Proclamation of 1763 which, according to contemporary belief, represented an attempt to prevent colonial expansion to the West.<sup>79</sup> In direct opposition to the proclamation, a group of the ruling class in central North Carolina sought new lands in the West; and strangely enough Richard Henderson, who had sided vigorously with what he thought to be a struggle for the maintenance of the *status quo*, became the chief villain of the Transylvania scheme in so far as royal governors were concerned.

Plans for establishing the Transylvania Land Company were probably originated in Granville County. In fact the proprietors held one of their early meetings in Oxford on September 25, 1775, and four of the proprietors, Richard Henderson, John Williams, William Johnson, and Leonard Henly Bullock were natives of Granville. Moreover, Jesse Benton, the son of Samuel, was also concerned in the speculation. For Richard Henderson, the unpopular justice of the crown and an avowed favorite of Tryon's, to become the "infamous Henderson" to the next royal governor, doubtless furnished considerable excitement in the Regulator

<sup>78</sup> Charles M. Andrews, *The Colonial Background of the American Revolution*, pp. 122-128.

<sup>79</sup> Andrews, *Colonial Background*, p. 154.



area.<sup>80</sup> Despite Henderson's oath to uphold the king's law, he was carrying on negotiations to disobey the royal proclamation probably as early as 1763.<sup>81</sup> Henderson became the object of proclamations issued by two royal governors.<sup>82</sup> His purchase of 35,000,000 acres of western lands from the Indians<sup>83</sup> constituted an amazing action for an officer in his position, and with him in the venture were members of the ruling clique, a group long familiar with the strategy of blocking the efforts of royal governors. No doubt the people of Granville County thought with the Scot who wrote to one of his nationality in Granville, "Pray is Dick Henderson out of his head?"<sup>84</sup>

In summarizing the turbulence of public life in colonial Granville, it may be said that the various disturbances arose largely from the activities of the justice of the peace. On him rested the responsibility for the waste and inconvenience involved in locating and building the courthouse. In order to carry this point, the members of the county court did not hesitate to block public justice by refusal to conduct court. Mismanagement of the county militia constituted a further indictment against their efficiency. Their military duties were regarded as a joke, and they did not hesitate to harass anyone who tried to conduct the militia in a more business-like manner. When it suited their design, they manipulated the formation of a new county. Disputed elections usually involved some member of the commission of peace. Certainly they were responsible for the Regulator upheaval and in no section more so than in Granville, where the first complaint was made against the charging of unjust and illegal fees. Perhaps the Transylvania scheme cannot be attributed entirely to the activities of justices of the peace, although the instigators of the movement (and the leading ones lived in Granville) were closely connected with the ruling clique. No phase of the government, whether involving duties of the members of the Assembly, the sheriffs, the clerks of the court, the vestrymen, or the officers of the militia, can be investigated without meeting a colonial squire.

<sup>80</sup> *Colonial Records*, VIII, 467, 524-525; X, 246, 256; see Abernethy, *From Frontier to Plantation*, p. 21 for the connection of Jesse Benton with the Transylvania Land Company; note Archibald Henderson, "Richard Henderson and the Occupation of Kentucky, 1775," *The Mississippi Valley Historical Review*, I, 341-363.

<sup>81</sup> W. K. Boyd, "North Carolina and the West," *North Carolina Booklet*, VII, (1909), pp. 202-203.

<sup>82</sup> *North Carolina Gazette* (New Bern), February 24, 1775; T. P. Abernethy, *Western Lands and the American Revolution*, pp. 131-132.

<sup>83</sup> *Colonial Records*, X, 246.

<sup>84</sup> *Colonial Records*, IX, 1117.



## SOUTH CAROLINA'S DECISION TO LEAD THE SECESSION MOVEMENT<sup>1</sup>

By CHARLES EDWARD CAUTHEN

The decision of South Carolina to lead the secession movement of 1860 was regarded by many contemporaries as the decisive factor in the success of the whole movement. According to this view, delay and apparent hesitation in South Carolina would have had a chilling effect on secession sentiment in other states and would have allowed time for a conservative reaction and possible compromise. If any credence may be given to this theory, the special session of the South Carolina legislature which issued the call for a convention is worthy of careful study. It was in this legislature that the decision to lead was really made.

Superficially, at least, secession sentiment in South Carolina had developed to a point closely approaching unanimity before the legislature met. The conservative National Democratic or Conventionist party had broken up. This party, under the leadership of James L. Orr, had hoped and believed that Southern interests could be protected within the Union through coöperation with, and control of, the National party.<sup>2</sup> But it had been greatly weakened by the John Brown raid at a time when conservative leadership seemed definitely in the ascendancy. Events at Charleston and Baltimore had still further undermined it by apparently disproving the contention that the National party was no Popular Sovereignty party. And as the probability of Lincoln's election grew in the summer of 1860, the Conventionist party disappeared. One of the stock arguments for South Carolina participation in national nominating conventions had been that such was the best method of preventing the election of a Black Republican President, an event which many Conventionists admitted would make secession necessary.<sup>3</sup> Although the prominent National Democrat Benjamin F. Perry had courageously argued that

<sup>1</sup> This article is based on a paper read before a section of the Southern Historical Association at its meeting in Charleston, November, 1940.

<sup>2</sup> For studies of the Conventionists see Laura A. White, "The National Democrats of South Carolina, 1852-1860," *South Atlantic Quarterly*, XXVII, 370-389; Chauncey S. Boucher, *South Carolina and the South on the Eve of Secession, 1852-1860*, Washington University Studies, VI (1919), 3-34.

<sup>3</sup> Chauncey S. Boucher, *South Carolina and the South on the Eve of Secession, 1852-1860*, Washington University Studies, VI (1919), 3-34; *Speech of Col. Thomas Y. Simons, in favor of South Carolina being represented in the Democratic Convention*, . . . (Charleston, 1860), p. 12. *Passim*; Orr's speeches in *Proceedings of the State Democratic Convention held at Columbia, S. C., May 30-31, 1860* (Columbia, 1860), pp. 5-10, 18-20.



Lincoln's election would be no proper cause for secession,<sup>4</sup> his effort to rally an opposition to disunion met with practically no public support. His letter setting forth his view met a storm of ridicule and abuse in the state press,<sup>5</sup> and although many may have agreed with him, they apparently, as the Newberry *Conservatist* suggested, lacked the courage to admit it.<sup>6</sup> On the other hand, James L. Orr and the conservative Congressmen J. D. Ashmore and W. W. Boyce joined their more radical colleagues, L. M. Keitt, W. P. Miles, M. L. Bonham, and John McQueen, in insisting that there could be no safety in a Union under Republican control.<sup>7</sup> Basing its judgement on the newspapers of the State, the Columbia *Southern Guardian* expressed the belief that there had never been such unanimity in South Carolina.<sup>8</sup>

The apparent unanimity in October, 1860, was, however, not complete. Especially significant was the fact that the influential United States Senators, James H. Hammond and James Chesnut, Jr., had not yet committed themselves, a fact that caused much dissatisfaction and anxiety among the secessionists. Keitt and Isaac W. Hayne urged Hammond to make a public declaration, and suggested that his reelection was imperilled.<sup>9</sup> But although invited to speak at various political rallies, he consistently refused in cautiously phrased letters which left his position largely undefined. In one of these letters of refusal published in the *Courier*, August 25, he agreed that the election of Lincoln would put the Union "at imminent and instant peril" but professed to believe that Breckinridge and Lane might still be elected. Privately he wrote that if he had the assurance that Georgia and the Gulf States would support the movement he would favor a "complete trial of the experiment of disunion." He doubted, however, that such assurance could be obtained, and he was unalterably opposed to South Carolina leadership unless the clearest proof was given that *all* the cotton

<sup>4</sup> Perry's letter to the *Charleston Daily Courier*, August 20, 1860, was widely republished in the state press and later in B. F. Perry, *Biographical Sketches of Eminent American Statesmen* (Philadelphia, 1887) pp. 171-180.

<sup>5</sup> Pickens Keowee *Courier*, September 1, 1860; *The Charleston Mercury*, August 21, 22, 1860; *Charleston Courier*, August 24, 27, 1860; *The (Newberry) Conservatist*, September 11, 18, October 2, 1860.

<sup>6</sup> *The Conservatist*, October 2, 1860. Among the few public endorsers of Perry was state senator John P. Zimmerman of Darlington. Major Perry of the *Darlington Flag* was reported to agree and a few anonymous writers opposed disunion in the newspapers. *Charleston Courier*, November 7, 1860; *The Spartanburg Express*, September 12, 1860.

<sup>7</sup> For Keitt, *Mercury*, July 20, 1860; *The Conservatist*, July 21, 1860. For Miles, *Charleston Courier*, July 12, 1860; W. P. Miles to J. H. Hammond, August 5, 1860, Hammond Papers, Library of Congress. For Bonham, *The Conservatist*, August 7, 1860. For McQueen, *Charleston Courier*, July 16, 1860. For Ashmore, *Keowee Courier*, August 18, 1860; J. D. Ashmore to J. H. Hammond, July 10, 1860, August 30, 1860, Hammond Papers. For Orr, *The Conservatist*, August 7, 1860.

<sup>8</sup> *Mercury*, September 21, 1860, quoting *The Daily Southern Guardian*.

<sup>9</sup> I. W. Hayne to J. H. Hammond, September 15, 1860; L. M. Keitt to J. H. Hammond, October 23, 1860, Hammond Papers.



states desired it. No reasonable man, he thought, could adopt a program for the State until the election figures were available. Unless these showed the fixed determination of the West and South, secession in South Carolina would be "the weakest, most impolitic and assuredly abortive movement" that the State had ever made.<sup>10</sup>

Chestnut, too, was unwilling to rush into secession. Absent on vacation in Virginia during the summer, he had been, like Hammond at Redcliffe, somewhat removed from the excitement in South Carolina, and was not stampeded. He was reported by the Washington correspondent of the *Philadelphia Press* as having told someone at White Sulphur Springs that he would not regard the election of Lincoln as a cause for secession.<sup>11</sup> Certainly he was cold to the proposals of many Southern politicians in Virginia that South Carolina secede on the chance of dragging in the other states. Back in South Carolina, he was, by the end of October, more inclined to separate secession but still wished to consult Hammond and other friends before making up his mind.<sup>12</sup>

More important than the silence of Hammond and Chesnut was the fact that many of those who spoke for secession either opposed, or failed to endorse, separate action by South Carolina. Orr, for example, made it quite clear that he would oppose any movement lacking the coöperation of at least Alabama, Mississippi, and Georgia,<sup>13</sup> and J. D. Ashmore was at first firmly opposed to separate action.<sup>14</sup> The radicals on the other hand believed that South Carolina should secede immediately and alone if necessary. Here was a difference of opinion which held all the possibilities of factional division and defeat of secession, as in 1851. Recognizing the danger Robert Barnwell Rhett became strangely moderate in his utterances and the *Mercury* deprecated any agitation of the separate action issue. The moderates agreed that the question was premature, Ashmore remarking that for once in his life he was in agreement with the Rhetts.<sup>15</sup>

<sup>10</sup> J. H. Hammond to I. W. Hayne, September 19, 1860; J. H. Hammond to James Chesnut, Jr., October 23, 1860, Hammond Papers.

<sup>11</sup> *The Conservatist*, October 30, 1860.

<sup>12</sup> James Chesnut, Jr., to J. H. Hammond, October 17, 27, 1860, Hammond Papers.

<sup>13</sup> *The Conservatist*, August 7, 1860. Perry saw in Orr's inclusion of Georgia a condition which he knew could not be fulfilled. Other efforts then and since were made to discount the sincerity of Orr's announcement. *Charleston Courier*, August 10, 1860, quoting *New York Evening Post*; Lillian A. Kibler, "Unionist Sentiment in South Carolina in 1860," *The Journal of Southern History*, IV, 353. Orr was, however, too active in advocating secession and too earnest in his statements to other conservatives to justify this interpretation. See, for example, Orr to Amos Kendall, August 15, 1860 in William Stickney, ed., *Autobiography of Amos Kendall* (Boston, 1872), p. 571.

<sup>14</sup> J. D. Ashmore to J. H. Hammond, July 10, 1860, Hammond Papers.

<sup>15</sup> *Mercury*, August 10, 1860; J. D. Ashmore to J. H. Hammond, August 30, 1860, Hammond Papers.



The issue between separate actionists and coöperationists was so fundamental that it could not be completely ignored or suppressed. In the October elections for the legislature, candidates were generally required simply to pledge that they would vote for a convention in case of Lincoln's election, but in some places questionnaires demanded more. In the upper districts most candidates in their replies either insisted that secession should be coöperative or stated that the question was premature.<sup>16</sup> In Charleston, protests were made against raising the separate action issue and few candidates replied to the published questionnaires. There was, however, a real contest between moderates and radicals indicating that the question was in fact present. The result of the election was a Charleston delegation divided between separate actionists and coöperationists with the moderates having the advantage.<sup>17</sup> One observer claimed that not more than four of the twenty men elected favored separate action.<sup>18</sup> It would be easy, however, to exaggerate the conservatism of the Charleston delegation and to credit it with a Unionism which did not exist. Here, as elsewhere in South Carolina, most moderate, conservative men had concluded that the time for a showdown had come. M. P. O'Conner, for example, who was a member of the Charleston delegation and whom writers even yet include in their lists of the more prominent Charleston Unionists, admitted that the entire current of his thoughts had changed. "The South," he said, "will not, can not in safety to herself, await the overt act." A month before secession he described the Union as a "dead carcass stinking in the nostrils of the Southern people."<sup>19</sup>

Although secession feeling was running high at the time the South Carolina legislature met in special session on November 5, there was the widest variation of opinion as to the best method of obtaining support of other Southern states, which support all really desired, and which many demanded as a condition of South Carolina action. Coöperation through the decision of a Southern congress had been so discredited that few South Carolinians favored it. Even the coöperationists thought that each state must act individually under some kind of assurance that it would not

<sup>16</sup> *The Yorkville Enquirer*, October 4, 1860; *Keowee Courier*, September 1, 8, 15, 22, 27, 29, 1860; *Spartanburg Express*, September 5, 1860; *Mercury*, September 11, 1860.

<sup>17</sup> *Charleston Courier*, September 14-October 13, 1860.

<sup>18</sup> Kibler, "Unionist Sentiment in South Carolina in 1860," p. 354, quoting Charleston correspondent of *The New York Tribune*.

<sup>19</sup> *Charleston Courier*, October 13, November 17, 1860.



be alone. A correspondent of the *Courier* suggested that a South Carolina convention immediately pass a secession ordinance to go into effect on the day any other state withdrew from the Union or, in the absence of such coöperation, on the day Lincoln assumed the Presidency.<sup>20</sup> Another thought that the South Carolina convention should be delayed until January and that commissioners in the meantime should work for simultaneous secession in other states.<sup>21</sup> Orr, in a speech in Greenville, opposed even the calling of a convention in South Carolina before concerted action had been arranged by commissioners to other states. Behind these ideas involving delay was the fear of conservative men that the State might be left isolated as in 1832 or that hasty action in South Carolina might create resentment and injure the cause of secession in other parts of the South. The radicals, on the other hand, argued that distrust of South Carolina no longer existed, and that immediate separate action was the surest way of obtaining coöperation. In the opinion of the *Mercury*, Orr's plan would lead to "postponement, delay, enervation, feebleness, halting, fainting, paralysis, *submission*—and the downfall of slavery, with the destruction of the South."<sup>22</sup> Serious as these differences were, they were not in any important degree the disagreements of Unionists and secessionists but rather lines of cleavage between sincere coöperationists and separate actionists, between those who would have South Carolina lead and those who preferred that South Carolina follow. It was a difference of opinion, however, of great potential importance for the whole secession movement.

On the eve of the meeting of the legislature some shrewd observers believed that there would be a strong disposition not to take the lead even in coöperative secession until the hope of another state doing so had failed.<sup>23</sup> The drift of opinion was, however, definitely in the other direction. This was due in large part to advice from, and the course of events in, other states. That there was considerable assurance of coöperation is clear. Governor W. H. Gist had sought such assurance from the governors of the cotton states by despatching a letter to them by his brother on October 5. The

<sup>20</sup> Charleston *Courier*, October 26, 1860.

<sup>21</sup> Charleston *Courier*, November 5, 1860.

<sup>22</sup> *Mercury*, October 30, 1860.

<sup>23</sup> Henry W. Ravenel, Private Journal, October 29, November 1, 1860, MS., University of South Carolina Library; Kibler, "Unionist Sentiment in South Carolina in 1860," p. 355, quoting McCarter's Journal.



replies in late October indicated that Mississippi, Alabama, and Florida would not act alone but would follow one or two other states. The reply from Georgia, whose attitude was of particular importance for South Carolina, was less encouraging, but Governor Brown suggested that his State might be greatly influenced by action of other states.<sup>24</sup> From less official sources also came much encouragement. The *Mercury* claimed "innumerable" assurances that action men in all the Southern states desired that South Carolina act with "promptitude and decision."<sup>25</sup> The conservative J. J. Pettigrew wrote: "We receive numberless letters from the Cotton States urging us to secede alone as under the moral lead of a single State the rest would certainly follow."<sup>26</sup> L. W. Spratt said later in his address to the Florida convention that there was not a public man in the State who had not received scores of urgent letters requesting that South Carolina begin the movement.<sup>27</sup> Many such letters are said to have been read at a caucus held just before the legislature met.<sup>28</sup> There was therefore much to support Governor Gist's statement to the legislature at its initial session, November 5, that the long awaited cooperation seemed near at hand. He requested the legislature to remain in session after choosing Presidential electors, await the outcome of the election, and then call a convention of South Carolina.<sup>29</sup>

As the legislature stood by for the election results there was much excitement and secession oratory in Columbia. On the evening of the 5th more than 1,000 citizens serenaded prominent men. Perhaps the most significant response was that of Senator Chesnut who now declared himself in favor of immediate separate action. He was sure other states would follow, and, discounting the dangers of coercion, he declared that "the man most averse to blood might safely drink every drop shed" in the establishment of a Southern Confederacy. Congressman Bonham also, who had not heretofore been clearly understood to favor separate action, now committed himself to that course.<sup>30</sup> With the exception of Senator

<sup>24</sup> Gist's letter and replies to it are published in John G. Nicolay and John Hay, *Abraham Lincoln, A History* (New York, 1890), II, 306-314.

<sup>25</sup> *Mercury*, November 3, 1860.

<sup>26</sup> J. J. Pettigrew to W. S. Pettigrew, October 24, 1860, Pettigrew Papers, University of North Carolina Library.

<sup>27</sup> *Mercury*, January 12, 1861.

<sup>28</sup> S. W. Crawford, *The Genesis of the Civil War. The Story of Fort Sumter* (New York, 1887), p. 11.

<sup>29</sup> *House Journal*, 1860, p. 10.

<sup>30</sup> *Charleston Courier*, November 6, 1860; *The Camden Weekly Journal*, November 13, 1860, quoting *Columbia Southern Guardian*; *The Conservatist*, November 13, 1860.



Hammond every member of the South Carolina Congressional delegation had now spoken. With the hope of bringing him to a similar stand, a group of legislators requested his views in a letter of November 6.<sup>31</sup>

There was much talk of harmony and unanimity as the legislature prepared to consider a convention bill, but sharp differences between moderate and radical secessionists appeared almost at once. At one extreme was legislation proposed on the 7th by R. B. Rhett, Junior, in the house, and Edmund Rhett in the senate, which looked to a very early convention, the house resolutions fixing November 22 and December 17 as election and meeting dates, respectively, for the convention. It was argued that this would change the question in other states from one of disunion to one of coöperation.<sup>32</sup> Less precipitate was the action proposed in the house bill of Henry Buist of Charleston and a senate committee bill which received first reading November 8 and which fixed January 8 and 15 as election and meeting dates.<sup>33</sup> At the conservative extreme were proposals by George A. Trenholm of Charleston in the house, and Henry D. Lesesne of Charleston in the senate. Neither of these set definite dates for a convention and both involved delay during which concerted action might be negotiated with other states. Trenholm proposed the election of a commissioner to Georgia instructed to offer the coöperation of South Carolina in secession and to recommend simultaneous conventions to that end. His resolutions provided that the legislature should adjourn after the election of a commissioner, until November 19, and that joint military and finance committees should meanwhile prepare defense legislation. The Lesesne resolutions proposed that the governor of South Carolina be authorized to call a convention as soon as any one Southern state should give assurance of its determination to secede.<sup>34</sup>

The Trenholm resolutions, representing as they do the most conservative position assumed in the legislature, require additional comment. From the standpoint of the radicals they were highly unsatisfactory because they involved delay during which passions might cool and because they might be interpreted in other states as indicating lack

<sup>31</sup> A. P. Aldrich and others to J. H. Hammond, November 6, 1860, Hammond Papers.

<sup>32</sup> *Senate Journal 1860*, p. 14; *House Journal 1860*, p. 19; *Charleston Courier*, November 9, 1860.

<sup>33</sup> *Charleston Courier*, November 8, 10, 1860; *House Journal 1860*, pp. 18, 27; *Senate Journal 1860*, pp. 14, 16.

<sup>34</sup> *Senate Journal 1860*, pp. 14-15; *House Journal 1860*, pp. 18-19; *Charleston Courier*, November 8, 1860.



of determination in South Carolina. It seems clear, however, that the purpose of Trenholm was not to defeat secession through delay, as has sometimes been supposed. His political background was by no means Unionist. In 1851 he had been a separate-action secessionist. He had not been identified with the later conservative National Democratic party until control of this party was seized by the radicals after the Charleston convention. Indeed, he had been one of those "true" men chosen by the radicals in the hectic May state convention to serve as alternate delegate at large to Richmond in a group of extremists headed by R. B. Rhett.<sup>35</sup> He himself said, after the adjournment of the legislature, that his objectives in Columbia were, first to produce harmony in the Charleston delegation and in the whole legislature, and second to make sure that if and when a convention was called it should be for the single and determined purpose of carrying South Carolina out of the Union.<sup>36</sup> The record sustains his statement. He was in fact a sincere coöperationist especially anxious, like so many others, to gain the support of Georgia for the secession movement.

The proposals of Rhett, Buist, Trenholm, and Lesesne, however, revealed serious differences of opinion in the Charleston delegation. Almost as soon as this became apparent a caucus was called in which the members for five hours discussed their differences in earnest but friendly fashion. The result was a decision by the caucus that the proper course was to make an unconditional call for a convention with a view to separate action.<sup>37</sup> It is probable that the dates of the senate bill, January 8 and 15, were agreed upon. Since this decision involved a retreat from the conservative proposals of Trenholm and Lesesne its importance is obvious. It is to be explained partly by a sincere desire of the Charleston delegation to bring harmony among its members. Another important influence was the resignation under dramatic circumstances of the conservative Federal Judge A. G. Magrath and other court officials on November 7. The resignations created great excitement in Charleston. In Columbia, too, they made a deep impression and furnished additional inspiration for secession orators, including Ed-

<sup>35</sup> Charleston *Courier*, June 5, 1860; *Proceedings*, May Convention 1860, p. 97.

<sup>36</sup> Charleston *Courier*, November 17, 1860.

<sup>37</sup> Lesesne's statement in Charleston *Courier*, November 16, 1860. The exact time of the caucus cannot be determined but it was probably on the evening of the 8th (Friday), perhaps early the next day.



mund Ruffin of Virginia, who had just arrived in the city.<sup>38</sup> One observer wrote that from the moment the news of Magrath's resignation was received in Columbia all hesitation was ended.<sup>39</sup> Certainly the event must have profoundly influenced the caucus of the Charleston delegation. About the same time came news which seemed to indicate that secession sentiment was rising in Georgia. Governor Brown, it was said, had written Gist announcing his decision to add to his message to the legislature a clause recommending an immediate convention.<sup>40</sup>

The importance of the Charleston caucus was evident when the house met on November 9 and Trenholm modified his resolutions. The amended resolutions retained the proposal for a commissioner to Georgia, but also provided for a South Carolina convention January 15, the date fixed in the senate bill.<sup>41</sup> The amended resolutions were still unsatisfactory to the more radical separate actionists. They opposed any gesture of coöperation through the sending of a commissioner until South Carolina had made her decision. M. W. Gary of Edgefield thought the Trenholm resolutions would defeat speedy secession and throw cold water on the whole movement. W. S. Mullins of Marion insisted that South Carolina had already exhausted the policy of coöperation. "If we wait for coöperation slavery and State rights will be abandoned, State sovereignty and the cause of Southern rights lost forever," he said. No commissioner should be sent until a pledge to secede had been put in the record.<sup>42</sup> On the other hand, Samuel McGowan of Abbeville, a former National Democrat who had been recently preaching secession in the up country,<sup>43</sup> supported Trenholm. Although opposed "now and forever" to any backward step, he contended that coöperation had long been the settled policy of the State and should not now be abandoned when success seemed certain. He pled that one last effort at coöperation be made in order to refute the false charge that South Carolina was disturbing Southern harmony by a desire to lead. If this effort should fail and the South Carolina convention should decide that secession would

<sup>38</sup> *Charleston Courier and Mercury*, November 8, 1860; *The Conservatist*, November 13, 1860, quoting *Columbia Southern Guardian*.

<sup>39</sup> Kibler, "Unionist Sentiment in South Carolina in 1860," p. 357, quoting McCarter's Journal.

<sup>40</sup> *Charleston Courier*, November 10, 1860.

<sup>41</sup> *House Journal 1860*, pp. 30-31.

<sup>42</sup> *Charleston Courier*, November 10, 1860.

<sup>43</sup> *Charleston Courier*, November 6, 1860.



bring coöperation, he would then approve and suport that action.<sup>44</sup>

As further discussion was postponed in the house, Lesesne of Charleston was speaking to his resolutions in the senate. He was still of the opinion that it was wiser to seek coöperation before secession than to secede and trust other states to follow. But in accorance with the decision of the Charleston caucus, he moved that his own resolutions be tabled on the ground that only one bill was before the senate and that some action by South Carolina was necessary. Resolutions by B. H. Wilson, essentially the house resolutions of Trenholm as amended, were also tabled, and the senate bill for a January convention passed the second reading by a vote of 44 to 1 and was sent to the house. The dissenter was Samuel McAliley of Chester.<sup>45</sup>

That January instead of earlier dates should have been so overwhelmingly adopted by the senate is a striking illustration of the great desire of secession leaders to prevent any semblance of division in South Carolina. Many members, probably a good majority of both houses, favored earlier dates but in the interest of harmony late dates were voted by the senate and were at first acceptd by the house committee which considered the senate bill. As matters stood late Friday, November 9, a late convention was practically assured. That a different decision was finally made was due in part to the pressure of public opinion, especially in Columbia and Charleston, and to news of events in Georgia.

The influence of public sentiment seems to have been felt almost immediately as news reached Columbia of great dissatisfaction in Charleston. The *Mercury* sharply criticised the tendency toward delay and reported general indignation among the people. Certain members of the delegation were impressed by letters telling of Charleston rumors that they had proved themselves "Unionists" and "Submissionists."<sup>46</sup> But more important was the fact that within a few hours after the passage of the convention bill by the senate, highly encouraging news was received from Georgia. According to the reports Brown's recommendation for a convention had been enthusiastically received, and Federal officers at Savannah and Milledgeville had already resigned. Even more exciting was the premature information that United

<sup>44</sup> Charleston *Courier*, November 10, 1860.

<sup>45</sup> Charleston *Courier*, November 10, 1860; *Senate Journal 1860*, pp. 18, 20-21.

<sup>46</sup> *Mercury*, November 9, 1860; Charleston *Courier*, November 12, 13, 1860.



States Senator Robert Toombs had tendered his resignation, saying that he did so in order that Georgia might stand with South Carolina for prompt action.<sup>47</sup> The effect of these reports was to convince many in the legislature that an earlier convention was necessary if South Carolina was to keep pace with the progress of events. Cautious advice from Senator Hammond arrived about the same time but was suppressed by A. P. Aldrich and others on the ground that the telegraphic news had so completely changed the situation that it would have been unfair to Hammond to give publicity to his letter. Aldrich was no doubt accurate when he said that the letter could have done no more than organize an "ineffectual opposition."<sup>48</sup>

The Georgia news was also important in stimulating outside pressure upon the legislature. In Columbia the Minute Men passed resolutions expressing their impatience at delay and demanding an early convention.<sup>49</sup> In Charleston where a large delegation of Savannah citizens had arrived to celebrate the connection of Charleston and Savannah by rail, enthusiasm was greatly stimulated by the Georgia reports. In great meetings at the Mills House and at Institute Hall the celebration was turned into a grand secession rally. Henry R. Jackson, Judge Miller, F. S. Bartow, John Bilbo, and other Georgia speakers made stirring addresses in which they promised Georgia coöperation. Resolutions were adopted urging a convention at the "earliest possible moment." A special committee composed of A. G. Magrath, James Conner, and W. F. Colcock was appointed to proceed to Columbia and personally urge haste. At 10:30 that night it sent the following telegram to the Charleston delegation:<sup>50</sup>

The greatest meeting ever held in this city is now assembled in Institute Hall. The meeting has been addressed, among others, by Mr. Jackson, Mr. Bartow and others from Georgia. They have pledged their State, and our people cannot be restrained. They believe that there should be action by the Legislature, in the call for a Convention to be assembled at some early date. The feeling is alike unprecedented and indescribable. . . . We expect to be with you by the train tomorrow. . . .

<sup>47</sup> Charleston *Courier*, November 10, 12, 13, 1860; *The Conservatist*, November 12, 1860. Toombs really returned to the Senate, served on the compromise committee of thirteen, and made his farewell speech January 7. *Dictionary of American Biography*, XVIII, 591.

<sup>48</sup> J. H. Hammond to A. P. Aldrich and others, November 8, 1860; Aldrich to Hammond, November 25, 1860, Hammond Papers.

<sup>49</sup> Charleston *Courier*, November 10, 1860.

<sup>50</sup> Charleston *Courier*, November 10, 1860; *Keowee Courier*, November 17, 1860.



This meeting of Charleston and Savannah citizens was later characterized by the *Mercury* as the turning point of the whole secession movement. But for this almost accidental incident, it said, the South Carolina convention would have met late and no Southern Confederacy would have been formed.<sup>51</sup>

The events of Friday afternoon and night profoundly affected the legislature. The house committee which had been ready to report the senate bill unchanged now amended it by substituting December 6 and 17 for January 8 and 15 and so reported it on the 10th. Some opposition to the change appeared. W. C. Black of York, although favoring a convention, declared that the people of the larger districts were not "so thoroughly posted up as to the events transpiring around them," and that time was "absolutely necessary" in which to bring them "up to the point." A. W. Thompson of Union agreed, and insisted on the original senate bill. Winsmith of Spartanburg spoke to his resolutions pointing to coöperative secession. With division thus threatened the house went into committee of the whole. A. P. Aldrich explained the reasons for the changed dates. He argued that the stand of Georgia and the resignation of Toombs gave assurance of the coöperation for which the State had been working since 1828, and that it was necessary to reassure those who were every hour sending anxious messages to the legislature. John Cuninghame of Charleston strongly supported this view. Admitting the propriety of giving time for fair discussion among the people, he was of the opinion that they were now ready or could be brought into line before December 6. But better to lose York district through haste, he said, than Alabama through delay. With Georgia as well as Mississippi, Alabama, and Florida indicating readiness to act, South Carolina coöperationists should be satisfied. "When they invoke us to lead, is there a coöperationist on this floor," he asked, "who will ask us to wait until coöperation is tendered, or will he not tender it by taking the lead?" The position of Aldrich and Cuninghame was approved by a vote of 91 to 14 as the committee of the whole reported favorably on the early convention bill. The dis-

<sup>51</sup> *Mercury*, September 26, 1861. The *Mercury* described the meeting as follows: "Impassioned eloquence and burning appeal lifted every heart—a wild storm seemed suddenly to sweep over the minds of men, and riding upon the wings of that storm there came that august spirit which every man at once instantly recognized, as he felt for the first time in his life, that he stood in the presence of the majesty of the *Genius of Revolution*."



senters now joined the majority as the bill passed the second reading 117 to 0 and was returned to the senate.<sup>52</sup>

The house amendments for the earlier convention dates received senate attention in a brief night session of the same day. Apparently there was no debate and the bill passed the third reading by a vote of 42 to 0.<sup>53</sup> Four senators were missing. Of these Wade Hampton had been unable to return from a western trip in time to attend the special session, but according to his own testimony he had already spoken for secession and had freely expressed in Mississippi his opinion that South Carolina would call a convention and secede.<sup>54</sup> Two other senators, Elam Sharpe of Pickens and J. W. Harrison of Anderson, had voted for the original bill and were now absent by leave of the senate. The fourth, Samuel McAliley of Chester, had opposed the original bill and now apparently abstained from voting.<sup>55</sup> Except for the formality of a third reading in the house, Monday the 12th, and ratification in a joint session of the houses on the 13th, the bill for a convention had now completed its course through the legislature.<sup>56</sup> The united action for which men of different shades of opinion had sincerely worked was an accomplished fact. The pressure of public opinion had been of great importance in bringing this about. But one can not escape the conviction that Georgia, by action taken at the psychological moment, was largely responsible, however unwittingly, for South Carolina's decision to call an early rather than a late convention.

That the call of the convention may properly be regarded as the decision of South Carolina to secede promptly and thus lead the secession movement, can hardly be doubted. This was the interpretation accepted at the time. Before the convention met there came a reaction from the enthusiasm with which the act of the legislature was received throughout the State, but there was never any real doubt that the convention would promptly carry South Carolina out of the Union.

<sup>52</sup> *Charleston Courier*, November 12, 1860; *House Journal 1860*, pp. 30, 35, 36; Laura A. White, *Robert Barnwell Rhett: Father of Secession* (New York, 1931), p. 181.

<sup>53</sup> *Senate Journal 1860*, p. 22.

<sup>54</sup> *Charleston Courier*, November 26, 1860.

<sup>55</sup> *Senate Journal 1860*, pp. 21, 22, 24-25. McAliley had no leave of absence and participated in senate business on Monday, November 12.

<sup>56</sup> *Senate Journal 1860*, p. 30; *House Journal 1860*, 39.



RECONSTRUCTION LETTERS  
FROM NORTH CAROLINA

Edited by  
JAMES A. PADGETT

PART II  
LETTERS TO JOHN SHERMAN  
[Concluded]

Albemarle Stanley Co. N C  
March 20<sup>th</sup> 1867

Hon- John Sherman  
Senator of the United States

Dear Sir

I like many other Southern men, am debarred from holding office, or voting under the Constitutional Amendment- I am Some what at a loss to Know how to proceed to obtain a pardon-<sup>75</sup> I was in the Legislature of this State in 1861 & 2 and have as Good a record as any man in the State but having had to take an oath to Support the Constitution of the so called Confederate Government, I am of course disqualified to vote or hold office. Please be so kind as to drop me a line in regard to the pardon of those, who can Show the right Kind of Record. &c.

The people of my County are, with a *few* exceptions, well satisfied with the present plan of reconstruction by Congress- Many of the best Union men in this County are in the same Condition that I am, having been Justices of the Peace, & having been *Compelled* to take an oath to support the constitution of the confederate Goverment [*sic*].

Very respectfully

Your obt servt

L. Greene<sup>76</sup>

I am now clk of the County court

Greensboro N C  
July 6<sup>th</sup> 1867

Gov T D Cox.<sup>77</sup>

My Dear Sir.

I know that I can take the liberty of writing to you freely upon

<sup>75</sup> He here refers to the Fourteenth Amendment to the Constitution and to disfranchisement under the Reconstruction Act. See p. 298, notes 70, 71; p. 299, note 73.

<sup>76</sup> Lafayette Green represented Stanley County in the house of representatives in 1860, 1862, 1868. *North Carolina Manual, 1913*, p. 806.

<sup>77</sup> See p. 295, note 59.



almost any subject— I am well satisfied that the kindly relations which were established between us while you were in North Carolina, still exist.— You have shown me many kindnesses in the past,— and with confidence I now ask your counsel and assistance.

I am disfranchised by the legislation of Congress. I was U.S. D'st Atty before the war and I was compelled to be in some degree connected with the rebellion.

I never was a rebel!— I have always loved,— and still love the U S Gov't better than any other on earth.—

I would be content to remain disfranchised for a time,— but I know that I can render very efficient service to the Republican party in the coming canvass,— and thus greatly benefit my state

We need leaders here who are known to the people, and who established a character for devoted loyalty in the fiery ordeal of the rebellion.— Nearly all our public men were in full sympathy with the Confederacy and they now refuse to act with the Republican party; and while that party has a good deal of strength, it has but few intelligent and experienced leaders, who "are to the manor born." There is much danger of defeat.— There are about twenty men who could certainly carry this State for the Republicans,— if their disabilities were removed by Congress,—so that they could enter with full energy and strength into the contest.

You may not be able to appreciate fully the situation of Union men here.— We are constantly taunted with our disfranchisement, as the reward of our Unionism; and even our Union friends cannot understand the reason, why their leaders in the dark days of the Confederacy;— who boldly resisted treason while it was powerful and apparently triumphant should now be placed on the same level with their tyrants and prosecutors.

I desire to have my disfranchisement removed so that I may enter with heart and soul into the work of reconstruction<sup>78</sup> under the Sherman Bill &c. You knew my views while you were here.— I have not gone backwards but have kept steady pace with Congress in the work of reconstruction— I now desire you to intercede with Congress in my behalf at this Session.— Please write to the Hon John Sherman and your other friends on the subject.— If my disabilities are removed at the present session I can do much good in restoring my state to her *proper relations* in the Union,— and in keeping her right hereafter.—

The bitterness of feeling engendered by the rebellion, still exists to a large extent among the prominent men of our State.— There will be an effort to defeat a convention and thus prevent restoration under the Sherman Bill.— There is a very bitter opposition to colored suffrage— and the political equality of the Negro.— The Republicans here have to encounter the social prejudices of centuries, and we must be kindly and generously sustained by our Northern friends or we will be overwhelmed.—

<sup>78</sup> By October 1, 1867, registration was finished under the Reconstruction Acts. In North Carolina about 12,000 whites were disfranchised, but the convention refused to disfranchise anyone. 106,721 whites and 72,932 Negroes registered. The Democrats at first advised the whites to refuse to register and then urged them to register and defeat the convention or adoption of the constitution by refusing to go to the polls, since a majority of the registered voters must vote in the election. 31,284 whites and 61,722 Negroes voted to hold a convention and 32,961 whites voted against it, while 42,476 registered whites and 11,210 registered Negroes did not vote. Rhodes, *History of the United States*, VI, 190-199.



My family are all well. My wife visited some of the Northern States in May and she was much delighted with the trip— The kindness and courtesy shown her everywhere,—and the general prosperity of the country completely cured her of all “rebel sympathies”.— She is exceedingly anxious to remove to some Northern State

I would be pleased to hear from you at your convenience.— My wife joins me in kind regard to you and Mrs. Cox

With great respect

Your Obdt Servt.

Rchd.P. Dick.<sup>79</sup>

[John Sherman Papers.]

New Bern N.C.  
Dec. 19<sup>th</sup> 1867

Hon John Sherman

Dear Sir:

Before this letter reaches you, it may be that final action will be taken in the Senate upon the subject of the Cotton Tax.<sup>80</sup>

You will remember a few days since, the earnestness with which I endeavored to show the urgent necessity of making the repeal of the Cotton tax apply to that portion of the present Crop in the hands of the producer and that portion of the same now held by agents & receivers but upon which no tax has yet been paid. Upon that portion which has been shipped and the tax paid, I abandoned the idea of seeing any relief [*sic*] given.

I gave it to you as my opinion on the occasion referred to that at least *one half* of this years crop was yet in the hands of the producer and such agents & receivers as have yet paid no tax. This estimate may not apply to various localities but I confidently believe it will apply, correctly, as a general rule. I also asserted the belief [*sic*] founded upon numerous enquiries from persons well informed, that the greater portion of the cotton held by producers was in the hands of the poorer

<sup>79</sup> Robert Paine Dick (October 5 1823-September 12, 1898) was born in Greensboro, graduated from the University, and was admitted to the bar in 1845. He was federal attorney, 1853-61; was a member of the Charleston convention and a supporter of Douglas; was the only North Carolina delegate who refused to secede from the Baltimore convention; and campaigned in North Carolina for Douglas and won for him 1,500 votes. He finally voted for secession in the convention of 1861; supported Holden for governor; and was called to Washington by Johnson and urged him to undertake Reconstruction on the basis of the Sherman-Johnson agreement, but his advice was refused. Johnson appointed him district judge, but, although the attorney general said he could qualify, he did not think he could take the oath and therefore declined. He became a provisional judge, and then a federal judge, for the Western District in 1872. He favored the Fourteenth Amendment and Congressional Reconstruction; was an associate justice of the supreme court, 1868-72; helped Holden and others organize the Republican party in North Carolina; and opposed the Democrats in their work in the State. *Dictionary of American Biography*, V, 287-88; Hamilton, *Reconstruction*, *passim*.

<sup>80</sup> Cotton was the crop of the South, but it was very difficult to market during the war. Treasury agents and army officers were active in seizing all that could in any way be made to bear the taint of service either actual or promised to the Confederate cause. The title of much of it, under the rigorously applied war legislation, was subject to dispute. Rapacious speculators and fraudulent officials wrested from the owners much cotton that was free from any taint and the tax of three cents a pound cut down the income from its sale. The fight to repeal this tax was a long drawn out affair, and required many compromises and three conference committees. This law merely repealed the tax on domestic cotton after 1867, and imported cotton after 1868. It was February 3, 1868, before the believers in justice and humanity could force it through and get it signed. Dunning, *Reconstruction*, pp. 26, 28; *Congressional Globe*, 2d sess., 40th Congress, pp. 13, 27, 384, 389, 505, 638, 648, 673, 937, *passim*; *United States Statutes at Large*, XV, 34.



and more needy class or in which they had in some way, an interest, and upon the sale of which they depended for the necessities of life to carry them through the winter. Since my return, I am strengthened in this conclusion. In addition to all this, I hear from various direction [*sic*] the certain indications of destitution & suffering. I regard it as no exaggeration to predict that the sad erg for bread & clothing will 'ere many weeks be heard from thousands, white & black, in North Carolina.

The repeal of the Cotton tax at the earliest moment possible, upon the basis refered to, may not be sufficient to entirely turn back the approaching tide of want, but I am confident it will have the happy effect of mitigating the suffereings & giving substantial releif [*sic*] to many thousands.

My great fear, is, that Congress, although disposed to act Justly to every section of the country in regard to this important matter, will not fully comprehend the Startling & wide-spread destitution existing in a large portion of the South until it is too late. It appears plain to me that the question of releif [*sic*] to a large number of suffering people is not only involved in the prompt repeal of the Cotton tax, but that such action, in the end, would prove to be wise measure of financial policy & political economy.

In Haste

Very Truly Yours,

D. Heaton<sup>81</sup>

Charlotte N.C.  
June 16 '75

Mrs Senator Sherman.<sup>82</sup>

Madam

I was thinking this A M of those whom I was indebted to for my success in life and Education. In a word my Early friends and you came before me more Eminently than all. from the past when I used to be your Waiter you would allow me to read your books (I E ) I would read them and you knew I did and still you would not say anything about it. further more you allowed me to attend Night School and a thousand other Acts of Kinds. I shall all ways regard you as formost [*sic*] among my friends for your Lady like bearing and Christian Sympathy. After I left your service in 1868. I whent [*sic*] to Howard University<sup>83</sup> and remained there until my Souphomore year when I went to Va. and taught School for six months at \$50 per month then I was made an Ass't Assessor of Int Rev at a Salary of \$1500 per Year I was elected to represent the State Va at Large at the

<sup>81</sup> See pp. 280-281, note 12.

<sup>82</sup> John Sherman, August 30, 1844, married Cecilia, the only daughter of Judge Stewart of Mansfield, Ohio. *National Cyclopaedia of American Biography*, III, 198-201.

<sup>83</sup> Howard University, a co-educational school for all races, was established March 2, 1867. On May 1, 1867, it had five students and no funds, but the Freedmen's Bureau came to its aid. In 1879 Congress appropriated \$10,000 for the school, and for the year 1936-37, nearly \$2,000,000. It has graduated nearly 10,000 students and is a full-fledged university. It has schools of Art, Science, Education, Teachers' College, Manual Arts, Applied Science, and Commercial courses.



Philadelphia Convention of which I was one of the Vice Presidents on my return home I was made Deputy Collector Int Rev 4<sup>th</sup> Dist. Va 1872 I remained in this position Until July 1<sup>st</sup> 1874 When I was appointed under Clerk in the Railway Mail service I have stood the Civil Service Examination Every Month successful to that degree- I stood the best Examination Last Month on the scheme of N C and I was promoted to head Clerk My pay is now \$1400 per. Year. so you see Madam when I was about to Leave your Service I told you I would not want the recommendation of any Lady or Gentleman as their Servant

Thanking you very much for past Kindness

I am Your Old Servant

Charles Jerome Malord<sup>84</sup>

U.S. Mail Agt Charlotte N C

Raleigh- North Carolina-  
November 13<sup>th</sup> 1876

His Excellency  
U. S. Grant  
President United States  
Washington City- D.C.

Mr. President:

The Contingency has arisen to which I adverted- as the result of the election most likely to occur- in the letter I addressed you on the morning before I left Washington in response to the invitation to assist in the Canvass in the Western portions of this State- that is to say, as I apprehended, the decision of the Presidential election is dependent on the Vote of South Carolina; and the Democratic Majority in the House of Representatives, as I also prognosticated, will doubtless assume, if this vote should be cast for Mr Hayes, that it was procured under Military duress.

The National Situation is destined to be serious in the extreme, in any event, but with Mr Tilden<sup>85</sup> as President it would be fearful indeed, and the reverse of that of 1860-'61, with Mr Buchanan as President. Then the North was united and the South divided- But now the South would be a unit, and not stand as in 1860-'61 with eleven states only, but with sixteen states solidly arrayed together in Compact order, while the north would be divided, distracted and disunited. Under these circumstances it requires no prophets eye to foresee the

<sup>84</sup> It seems strange that neither the *United States Official Register* nor the *State Executive Journal* mentions the appointment, confirmation, or holding of any of the various positions by Charles Jerome Malord.

<sup>85</sup> Samuel Jones Tilden (February 9, 1814-August 4, 1886) was born in New York and picked up his education in various ways, since his health was very bad. He read law and was admitted to the bar in 1841. He became a noted corporation lawyer; was inactive in the Civil War; prosecuted the Tweed ring; entered the legislature in 1872 and the governor's office in 1874, making an excellent governor by smashing the canal ring and cleaning up politics; and was nominated by the Democrats at St. Louis, June 27, 1876. He received about 250,000 popular majority and 184 undisputed electoral votes to Hayes's 163. The Louisiana, Florida, South Carolina, and Oregon votes were in dispute, for there were double returns from those states. The electoral commission was set up by Congress, consisting of five Senators, five Representatives, and five judges of the Supreme Court, to take evidence and determine for whom they should be counted. On all important cases the vote in the commission was eight to seven, that is the Republicans against the Democrats. *Dictionary of American Biography*, XVIII, 537-41; Dunning, *Reconstruction*, *passim*.



inevitable consequences that would flow to the Nation. Mr Tilden in the hands of the dominating South would be powerless to avert another bloody and disastrous Civil War that would surely be precipitated upon the country before his term of office expired. The only possible hope or chance for preservation and maintenance of peace and order is through his defeat, *although accomplished by the vote of South Carolina*.<sup>86</sup>

It is evident that the Democratic storm which has swept through the country proceeded from the combination formed between Mr Tilden and the Catholic Hierarchy, taking advantage of the passions and prejudices of the Native white population of the South, their revengful feelings, and their intense desire for peace and power again, to wrest the Government, through their instrumentality, out of the hands of the Republican Party, and from under the Protestant influences in support of that Party, in view of the exigencies of the Church of Rome confronted by the Situation in Europe in relation to the Eastern question,<sup>87</sup> so-called, and the threatening alliance between Russia and the German Empire<sup>88</sup> in subordination of the Church of Rome in the affairs of the World, inspired by the policy of Bismark,<sup>89</sup> thus seeking to grasp and to array the Government of the United-States adversely to the policy and design of Bismark and Russia, side by side with Great-Britain and France, in the coming struggle for commercial supremacy and dominion.<sup>90</sup>

The mind of the Jesuit<sup>91</sup> is equally subtle and far reaching. From my long familiarity with the Catholic movements in the United States, first during the Sixteen years that my Brother Mr Robert Taylor,<sup>92</sup> was the National President of the Irish Repeal Association before the recent war between the states, and while Mr W.H.Seward<sup>93</sup> and Mr

<sup>86</sup> In South Carolina there were two governments set up, and, although the vote of the State was counted by the electoral commission for Hayes, as it should have gone, Hampton and the Democrats refused to let Chamberlain, the Republican governor, retain his office, and, after the President would not support him with the army he had to depart for the North. The Democrats then took over the State. About the same thing happened in Louisiana and the Democrats won there also. In Florida the election was very close and the Democrats had a better claim for election in that State. Dunning, *Reconstruction*, 312, 327, 337, 340, *passim*.

<sup>87</sup> He here refers to the contest in the Balkans against the oppression of Turkey and the entry of Russia into the affray against Turkey.

<sup>88</sup> In 1872 the emperors of Germany, Russia, and Austria met in Berlin, and, although no definite agreement was signed, the League of the Three Emperors began then and existed for five years. Bismark sought to renew it, but the Balkan crisis prevented such a renewal. In 1875 Herzegovina rose against Turkey and in Bosnia there was a conflict between the Christians and Moslems. Russia came to the aid of the Balkans against the Turks and after defeating Turkey made her sign the Treaty of San Stefano, in which great concessions were made to the Balkans. This was giving Russia too much power and prominence in Europe, so the great nations of Europe forced Russia to submit to the decrees of the Congress of Berlin of July 13, 1878, which Russia and the Balkans lost much of what they had gained in the former treaty. C. A. Fyffe, *A History of Modern Europe*, III, 476-90, 519.

<sup>89</sup> Bismark began his plan to subordinate the Catholic Church to the State or rather to supplant it by social legislation, but in the end he had to give up. Fyffe, *op. cit.*, III, *passim*.

<sup>90</sup> This was the time when England, France, and Germany made a mad rush for the commerce of the world and gobbled up the remaining parts of Africa as colonies. This contest resulted in the Triple Alliance of Germany, Austria, and Italy, against the Triple Entente of England, France, and Russia, and led to a rivalry which finally culminated in the World War.

<sup>91</sup> The Jesuit Order, a strict religious organization, was founded in Spain in 1534 by Ignatius Loyola. It was divided into two classes: temporal coadjutors and priests, and into six grades: novices, formed temporal coadjutors, approved scholastics, formed spiritual coadjutors, those possessed of the three vows, and those possessed of the four vows. They were under a general elected for life by the general congregation. *Century Dictionary and Cyclopaedia*, IX, 545.

<sup>92</sup> Robert Tyler was born in Virginia in 1818, and died in Montgomery, Alabama, December 2, 1877. He moved to Philadelphia in 1843, and practiced law and the next year he was elected president of the Irish Repeal Association; and later became prothonotary of the supreme court of Pennsylvania. He moved to Richmond in the first part of the Civil War; became register of the treasury; and after the close of the war became an editor. Appleton, *Cyclopaedia of American Biography*, VI, 199.

<sup>93</sup> William Henry Seward was born in New York, May 16, 1801; taught school, studied law, and was admitted to the bar; and served in the state legislature, 1830-34. He was governor of New York from 1838 to 1842; United States Senator from 1849 to 1861; Secretary of State from March 5, 1861, to March 3, 1869; and died in New York, October 16, 1872. *Biographical Directory of Congress*, p. 1509.



Horace Greeley<sup>94</sup> were Vice-Presidents of that Association, and next, since the War between the states, when I myself was invested with full powers as Ambassador of the Fenian organization,<sup>95</sup> and in which capacity I saved the peace of the Nation, I ought to understand the policy and designs of the Catholic Hierarchy at this Juncture disguised as they may have been *Democratically*. I state, therefore, only that of which I am convinced, and do not hesitate to add in conclusion, as my candid Judgement, that the highest interests of the great Body of the American People imperatively demand that M<sup>r</sup> Hayes shall be President and not M<sup>r</sup> Tilden: and furthermore permit me to say, that in view of all that is looming up in the affairs of this country and the world, You may be called upon to play yet the most important Role of your life, as consequential as your part in the past unquestionably has been.

I am, M<sup>r</sup> President, in all sincerity,

Your friend and Ob<sup>t</sup>. Sert:

John. Tyler, Jr.<sup>96</sup>

To President Grant Nov<sup>r</sup> 13 1876.

[John Sherman Papers.]

Shelby

Cleveland County N C

January 15<sup>h</sup>- 1877

Hon Senator Sherman U S Se  
Senate Chamber  
Washington D C

Sir

Will you be so kind as to Inform me whether Govn Hayes will be inaugurated [*sic*] or not<sup>97</sup> as I am Anxious to learn I see a printed in the newes [*sic*] papers and what I can see about you I think you know as much or more than any man I am a friend to Gov Hayes and what you

<sup>94</sup> Horace Greeley was born in New Hampshire, February 3, 1811, and died in New York, November 29, 1872. He became a great journalist and was a leading figure in working against slavery. In 1872 he was nominated by the Liberal Republicans and then by the Democrats for President. His wife died in the midst of the campaign, and he died from the effects of overwork and exhaustion, for after constantly watching over his sick wife he went back into the campaign. Appleton, *Cyclopaedia of American Biography*, II, 734-41.

<sup>95</sup> The Fenian Brotherhood was organized in New York in 1857 to secure independence for Ireland. It soon spread to all parts of the United States and Ireland; it absorbed the Phoenix Society, and made several attempts to free Ireland and to invade Canada. Its locals were called circles. Between 1863 and 1872 it held eleven national congresses in the United States and thereafter continued as a secret organization. *Century Dictionary and Cyclopaedia*, III, 2181.

<sup>96</sup> John Tyler, Jr. was appointed collector of internal revenue for Florida. He had been appointed in the recess of Congress and when the message was read, December 3, 1872, it contained his name. On February 4, 1873, his name was reported favorably by the committee and he was confirmed the same day. He was captain in army, March 6, 1847-May 28, 1847; colonel in Confederate army, 1861-65; and died, January 26, 1896. Heitman, *Historical Register of the United States Army*, I, 977; *Senate Executive Journal*, XVIII, 304, 325, 392, 393.

<sup>97</sup> It was four ten in the morning, March 2, before the president of the Senate announced that Hayes had been elected by a vote of 185 to 184, after the electoral commission had given him every one of the twenty-two disputed votes. At the White House, Saturday evening, as a guest of Grant, Hayes was given the oath of office. He was inaugurated Monday, March 5, 1877. Dunning, *Reconstruction*, pp. 338-340.



should Say about It would be kept Confidential, You will please let me hear from you

Yours Respectfully

W.W. Green<sup>98</sup> Pm

Shelby N C

(1877 Jan 22)

Clerk's Office

U.S. Court, Western District, N. C.

Greensboro, N. C., 22<sup>nd</sup> 1877

J.W. Payne, Clerk.  
Hon John Sherman,

Dear Sir,

I would thank you to send me a copy of the Testimony<sup>99</sup> as filed, and printed, which was taken in Louisiana last those by you, and others; and also a copy of your speech lately delivered thereon.

I am one of North Carolina's native sons who has much confidence in any matured Judgment, and declaration of yours.

Yours truly.

J W. Payne.<sup>100</sup>

Greensboro N.C. Mch. 27 1877

Hon. John Sherman  
Secy. of Treasury.  
Washington D. C

Sir:

I see you are investigating your department with a view of ascertaining the manner in which the patronage has been distributed, and is at present apportioned.

I don't know what your views are on the subject, nor what you contemplate doing. I suggest however that each state should have its quota, and should be allowed so many for each Congressional district, and so many at large. Again that they should come recommended by responsible people who live in the states, and are well known.

I am moved to make this suggestion to you by the fact that one

<sup>98</sup> In 1865 William W. Green was postmaster at Camp Call, Cleveland County, North Carolina. *United States Official Register*, 1865, Postoffice section, p. 250.

<sup>99</sup> On November 10, 1876, Grant urged a number of leading Republicans to go to New Orleans. John Sherman was one who went. In the investigation much fraud was discovered. It seems that the Democrats stole the election at the polls and by the local counts and then the Republicans stole it back in the final count and by the returning board for the State. Dunning, *Reconstruction*, pp. 311-17; *Senate Executive Document*, 44th Cong., 2 sess., No. 2.

<sup>100</sup> J. W. Payne was active in court and political affairs during Reconstruction. On October 23, 1865, Governor Worth wrote Payne to learn if Colonel Ruger turned over to him a two-horse wagon for Jno. R. Hancock. He also wrote: "What do you hear as to my prospects of beating Gov. Holden? It is conceded here that I will get a large majority East of here." Hamilton, *Correspondence of Jonathan Worth*, I, 443.



John Pool<sup>101</sup> who used to live in this state, has established an office-broker's bureau in Washington, and will in all probability hoodwink a great many of our people. We can strengthen ourselves by putting meritorious and deserving people in position in Washington and elsewhere: but cannot do it by selecting drunken vagabonds who have no standing among their own people. It is easy for you and heads of Departments to be imposed upon, by men who care for nothing except the pecuniary reward they receive for putting a person in a position—Therefore it seems to me the proper way is to appoint no one except on the recommendation of people *at home*—people whom you can hold to strict accountability for representations made to you. We have suffered a great deal on account of distribution of patronage—For the past two years, I think, the republicans of this state have had very little in your department. We feel now that we will get whatever we are entitled to. that is all we can ask.

Very respectfully

Thos. B Keogh<sup>102</sup>

Raleigh, N. C. May 1, 1877.

To His Excellency President Hayes—

My dear Sir: Allow me to introduce my friend Col. W.F. Henderson,<sup>103</sup> of this State. Col. H. is a gentleman of character, a devoted and influential Republican, and a warm friend of your administration.

<sup>101</sup> John Pool (June 16, 1826-August 16, 1884) was born in Elizabeth City, North Carolina, and after graduating from the University in 1847, he was admitted to the bar that same year. He engaged in agriculture, served four terms in state senate, and was defeated on the Whig ticket for governor in 1860. He was in the constitutional convention of 1865; was elected to the United States Senate, December 29, 1865, but was refused his seat; and was elected again, July 4, 1868, and served until March 3, 1873. He was not a candidate for reelection, but settled in Washington, where he practiced law until his death. *Biographical Directory of Congress*, p. 1421.

<sup>102</sup> Thomas B. Keogh was a carpetbagger from Wisconsin. When Sergeant Bates of the United States Army passed through North Carolina carrying a United States flag to show that the people were loyal, Holden sent Colonel Keogh to offer him \$10,000 to abandon his journey and report in the North that he was forced to do so on account of hostility and feeling in the State which made him fear for his life. When the Republican convention met in Raleigh, July 12, 1876, Keogh was chairman of the executive committee and the platform was a severe denunciation of the Democrats. The election of 1876 was quiet, but late in the day the Democratic chairman received a telegram saying that General Kilpatrick was coming to count the votes of North Carolina for Hayes, but told nothing of the plans. Excitement rose. Kilpatrick got off the train outside the town limits and went in a closed carriage to the hotel and without registering went to the room of Keogh. A large crowd assembled and finally pushed into the hotel, but Chief of Police Basil Manly prevented wreaking vengeance upon him for his acts committed in the State in 1865, when he came to the State with Sherman's army. He did not count the State for Hayes, for the Democrats won the State and every seat in Congress except one. Hamilton, *Reconstruction*, pp. 282, 646, 653.

<sup>103</sup> William F. Henderson, or "Windy Billy" Henderson, "who stole Darr's mule," or later "who was tried and acquitted of stealing Darr's mule," as characterized by Josiah Turner, was a noted figure in North Carolina politics during Reconstruction. He was president of the Heroes of America in 1868 and urged them to exertion against the Union League. In 1868 he was nominated in the fifth district for Congress, but Tourgee ridiculed him as a liar and a thief and Henderson retaliated by calling Tourgee "an escaped Ohio convict." Tourgee and Judge Dick organized a bolting convention and nominated Tourgee and in the hot campaign which followed. They even resorted to personal encounters. Henderson later withdrew in favor of I. G. Lash, the sitting member, and Tourgee also did the same thing. Henderson was the advisor of Holden and wrote him that George W. Kirk's movement was necessary for the success of the party and his own fortune. In 1872 he was nominated for Congress after seventy ballots as a sacrifice candidate. He had little education, and was almost illiterate, yet as a trustee of the University he took a leading part in rebuilding it. He was indicted for stealing a mule, but was acquitted. He was with Pool, Holden, and others when it was decided to suppress the Ku Klux Klan. Grant nominated him as assessor of internal revenue for the sixth district of North Carolina, March 30, 1869. The nomination was referred to a committee, April 2, was reported favorably three days later, and was confirmed the next day. He offered freedom for the men arrested for belonging to the Ku Klux Klan if they would give evidence implicating J. M. Leach who in 1870 had defeated him for Congress. Hamilton, *Reconstruction*, pp. 247n, 281, 364, 367, 388, 497, 505, 601, 623; *Senate Executive Journal*, XVII, 60, 72, 87, 89.



Any kindness you may be pleased to show Col. Henderson will be bestowed upon a worthy man, and will be gratefully appreciated by

Your Friend

W.W. Holden.<sup>104</sup>

[John Sherman Papers.]

Personal

Thos. B. Keogh,

Register in Bankruptcy.

Attorney-at-Law,

Greensboro, N.C., July 31, 1877

Hon. John Sherman

Secy. of the Treasury

Washington D. C.

Sir:

I enclose an article from the *Charlotte Observer*<sup>105</sup> which explains itself. I wish to recall an interview which I had with [you] at your house, about Saturday night after the inauguration, Gen. Kilpatrick<sup>106</sup> came to the Ebbitt House and said you would like to have an interview with Col I. J. Young<sup>107</sup> and Maj R..C.Badger<sup>108</sup> of Raleigh and myself— We of course were glad to receive the honor of such distinction, and immediately went to your residence, During our stay there, the

<sup>104</sup> See p. 284, note 21.

<sup>105</sup> *The Daily Charlotte Observer*, published from January 25, 1869, to June 30, 1886. *Union List of Newspapers*, p. 499.

"MR. KEOGH GIVING 'THE PARTY' AWAY.

The Raleigh *Observer* gives the document below for the information of North Carolina Republicans, and would be glad to hear whether it meets the universal approbation of the Republican party in the State to be transferred thus bodily to a Wisconsin aspirant who happens to be a home friend of one of their carpet-bag overseer:

WASHINGTON, D. C., March 10, 1877.

Hon. John Sherman, Secretary of the Treasury, Washington, D.C.:

Sir:—In an interview this evening you said among other things, that a good Republican would be in the position of First Assistant Postmaster General. I understand Hon. J. M. Rusk, of Wisconsin, is an applicant for the place. I can speak for the Republicans of North Carolina, and say to you that General Rusk's appointment would give great satisfaction to them. I respectfully ask that you use your influence to have him appointed.

Very respectfully,

Thos. B. Keogh,

Ch'm'n Rep. State Com., and Member Nat. Rep.  
Com. for N.C.

Like the *Observer* we wonder how many Republicans in North Carolina ever heard of J. M. Rusk before. This case gives proof to the charge often made that Mr. Keogh carries the Republicans of this State in his pocket to trade upon."

(John Sherman Papers, Library of Congress, filed with letter to Sherman, July 31, 1877, from Harvard College, Cambridge, Mass.)

<sup>106</sup> Hugh Judson Kilpatrick (January 14, 1836-December 2, 1881) was born in New Jersey and graduated from West Point. He entered the war and soon rose to lieutenant-colonel and became a noted cavalry leader, and for his gallantry and hard fighting in so many battles he was made major-general of volunteers. After the war he resigned from the army and entered politics; was minister to Chile, 1865-68; was recalled and supported Greeley for the presidency; supported the Republicans in 1880; and was nominated for Congress from his native state while a director of the Union Pacific Railroad, but was defeated. In March, 1881, he was reappointed as minister to Chile, but while engaged in a diplomatic controversy with Stephen A. Hurlbart, United States minister to Peru, he died of a kidney affliction. When he came to North Carolina in 1865 he fought at Moore's Cross Roads, March 10, near Raleigh, April 12, at Morristown, April 13, and at other places. *Dictionary of American Biography*, X, 374-5; Appleton, *Cyclopaedia of American Biography*, III, 535.

<sup>107</sup> Isaac J. Young was at the conference with Pool, Holden, and others, June 8, 1870, when it was decided to raise a special militia to suppress the Ku Klux Klan. In 1876 he ran against J. J. Davis in the fourth district for Congress, but was defeated. He was in the convention of 1875 from Granville County. Hamilton, *Reconstruction*, pp. 497, 647n; *North Carolina Manual*, 1913, p. 881.

<sup>108</sup> Richard C. Badger was a noted lawyer of North Carolina; he with four others defended Holden in his impeachment trial; he was an outstanding leader in the convention of 1868; and he was a great friend of Holden and sought to have his rights restored. When it was suggested at the conference with Holden, Pool, and others that the obstreperous members of the Ku Klux Klan would be put out of the way by the militia, Badger was much opposed to it and persuaded Holden to send a judge along with the militia. Hamilton, *Reconstruction*, pp. 362n, 497, 498, 508, 516, 546-7, 553, 561, 596n, 637n, 639.



Southern policy<sup>109</sup> of President Hayes was the principle topic of discussion— We dwelt on the great political power of the Post Office Department, and the anomaly of such a machine under a republican administration being in the hands of a democrat. (I am very glad to be able to say now as a Southern republican that I am fully satisfied with P.M. General Key,)<sup>110</sup> You stated positively that a *Northern republican, sound to the core*, would be placed in the position of First Asst. P.M. General, to control the non-presidential appointments. There were two points that struck me— One that the person selected would be a northern man, and the other that he would be a radical republican—

I returned to the Ebbitt House where I learned for the first time that Gen. Rusk<sup>111</sup> was an applicant for the place. I knew him as a *Northern man and a sound, reliable republican*, I gave him a letter to you which I thought to be private—

John Pool by means fair to you, or foul to the rules of the departments, has obtained a copy of the letter and furnished it to a person who has furnished it to the democratic press of this State— Mr. Pool pretends to our people here that you hold him as your confidential friend on North Carolina matters, and send for him almost daily. Further that you submit confidential papers to him which are on file in the appointment office. Now, how he obtained a copy of this letter (a copy of which is contained in the enclose article.) I cannot imagine. I am not willing yet to believe that you take any such man as Pool into your confidence— I believe his tool in the appointment office is one David Kellett.<sup>112</sup> Within the past five weeks Pool was given the contents of important papers in your appointment office to parties interested, under a statement that you had shown him the papers in confidence— I told the gentleman I believed that Kellett had told Pool, and that you had not— Pool tries to make, at least political capital, out of the information which he gets surreptitiously from your appointment office, by stating that he gets it all from you in very great secrecy—

I have known since the first week in April that Pool was in possession of the letter to you. I am informed also that he knows the

<sup>109</sup> As the time for inauguration approached it looked as if the Democrats would prevent a decision before March 4, 1877, but a series of conferences were held with Sherman, Garfield, and Foster taking the lead for the Republicans, who promised the Democrats certain things. The most important of these was the Wormley Hotel conference. The Democrats were to use their influence so as to finish the count and the Republicans agreed to let the Democrats reform the governments of the South and the Republicans would see that the troops were withdrawn from New Orleans and Columbia. Grant was to begin it before the inauguration. Hayes had planned to do this anyhow, but did not pledge himself. Grant notified Packard in New Orleans, March 1, that he could not depend on the federal government for military support. It was agreed that reform Republicans were to rule the government and the whites rule the Negroes. Dunning, *op. cit.*, pp. 338-9.

<sup>110</sup> Hayes did his utmost to appease the South. He suggested Joe Johnson as Secretary of the Navy—which horrified the Northerners. He did select David McKendree Key as Postmaster General, but the first assistant, Tyner, retained the patronage. He was an old line politician and this offended the reformers. Key was born in Tennessee, January 27, 1824. He rose to the rank of lieutenant-colonel in the war. He was a leader in the state constitutional convention in 1870; was appointed by the governor of Tennessee in 1875 to the place made vacant in the Senate by the death of Andrew Johnson; and served from December 6, 1875, to January 29, 1877. He remained as Postmaster General until 1880, when he became judge for the Eastern and Middle districts of Tennessee. Edwin Earle Sparks, *National Development*, pp. 104-7; Appleton, *Cyclopaedia of American Biography*, III, 529.

<sup>111</sup> Jeremiah McLain Rusk was born in Ohio, June 17, 1830, and died in Wisconsin, November 21, 1893. He moved to Wisconsin; entered the army in 1862; served with Sherman; and was brevetted brigadier-general in 1865. He served in Congress from 1871 to 1877; was elected governor of Wisconsin three times, beginning in 1882; and was Secretary of Agriculture under Harrison. Appleton, *Cyclopaedia of American Biography*, V, 351; *Dictionary of American Biography*, XVI, 235-6.

<sup>112</sup> David Kellett was a New York carpetbagger who was appointed from North Carolina to the division of the Treasury's office at a salary of \$1,400 per annum. *United States Official Register*, 1875, p. 25.



contents of some letters from me to you on file in your appointment office. I have not said anything, because up to last week nothing has appeared in the public press. The object of this publication is to show that I favored a Wisconsin man for place of Asst P M Genl. when a N. C. republican P. Rollins,<sup>113</sup> wanted the place. I wrote the letter because I understood from you distinctly that no Southern man could get the place. Men who sneak around Washington making bread by introducing people to you, are not the kind of people I care anything about. We buried our position of ten years ago. Some of them have resurrected in Washington as old line Whigs: but even that will not force them on a party who long since repudiated them— I do most earnestly object to having letters which I write to gentlemen connected with the government, handed over to people who have no interest whatever in our state— I am a citizen of twelve years standing in this state— probably unfortunate for me borne in the state of New York and raised in Wisconsin— but I have some rights— I never have been able to get letters from the files of Departments in Washington except those written by myself.

I wish this to apprise you of what is going on. Of course it is impossible for you to prevent these things unless told about them— I fully appreciate your uniform kindness to me and trust I have said nothing herein which may sound harshly — Nothing is intended in that way—

Very respectfully

Thos. B. Keogh<sup>114</sup>

I can't say the copy furnished by Pool is a true copy.

Thos. B. Keogh,  
Register in Bankruptcy.

Attorney-at-Law,

Greensboro, N.C. August 6 1877

Hon. John Sherman  
Secretary Treasury  
Washington  
D.C.

Sir:

Accept thanks for two kind favors in relation to the letter Enclosed you on July 31<sup>st</sup>. Since the 31<sup>st</sup>, I learned that Mr. Pool had obtained his copy from the P.O. Department.

It is true as I am informed that the letter was shown at the P.O. Dept. and that Pearson<sup>115</sup> obtained a copy.(not from the Dept. but from Mr. Pool.) Mr. Pool has shown the letter to North Carolinians, to strengthen the idea which he wished to convey viz: that Keogh,

<sup>113</sup> Pinckney Rollins was nominated by Grant for internal revenue collector for the seventh North Carolina district, March 31, 1869. The nomination was referred to the committee on finance, April 3; was reported favorably, April 5; and was confirmed, April 7.

<sup>114</sup> See p. 381, note 102.

<sup>115</sup> Richard Mumford Pearson was born in Davie County, North Carolina, June 28, 1805, and died in Winston, January 12, 1878. He graduated from the University of North Carolina in 1823, was admitted to the bar in 1826, served in the legislature, 1829-33, and ran for Congress in 1834. From 1836 to 1848 he was judge of the superior court, and then was elevated to the supreme bench, being chief



being a "Yankee," was trying to use his position as Chairman &c. to help his "yankee" friends—

I would not have written the letter had you not stated that a northern man would be selected for the position of first Asst. P. M. Genl—

At the proper time I shall explain to our North Carolina republicans how and why I came to write the letter.

I can say to you that Mr. Pool gets the contents of papers in your appointment office. He says you give him the information in confidence. If you do, of course it is all right; if not, he obtains it surreptitiously—

Very respectfully

Your obedient servant

Thos. B. Keogh.<sup>116</sup>

Lexington, North Carolina  
August 21st, 1877

Hon. John Sherman  
Hillsborough, O.—

Dear Sir: Will you be so kind as to send me your *speech*, or its substance delivered since you left Washington City?—

Please don't forget it or fail.— I am inclined to think your state will be carried by the Democracy, mainly, if so carried, because extreme Republicans are unwilling to support the President for *doing right*.

Very respectfully yours,

J.M. Leach<sup>117</sup>

Greensboro, Guilford Co. N C  
October 13 1877

Hon.<sup>b1e</sup> John Sherman

Dear Sir I enclose a letter to the President, which, after— reading. If you approve of it Please deliver

This will be handed to you by my friend Tho<sup>s</sup>. B. Keough, Esqr. who has resided here since the war closed and is a strong friend of the administration and citizen of much influence, is wise and discreet in

justice from 1850 until his death. For years he kept a law school at his home at Richmond Hill which was well attended, for he was known far and wide as one of the outstanding lawyers of his day. He was an outstanding man in Reconstruction days in North Carolina. He expected to be impeached when Holden was and even employed Thomas C. Fuller to defend him. He had too many ex-students and friends in the legislature and others did not want to make too clean a sweep at one time. He supported Grant for he feared the election of a Democrat would mean civil war. Appleton, *Cyclopaedia of American Biography*, IV, 693; Hamilton, *Reconstruction*, *passim*.

<sup>116</sup> See p. 381, note 102.

<sup>117</sup> James Madison Leach was born in Randolph County, North Carolina, January 17, 1815, and died in Lexington, June 1, 1891. He attended the common schools and Caldwell Institute, and graduated from West Point in 1838. After studying law he was admitted to the bar in 1842 and located in Lexington. He was in the state house of representatives, 1848-58; was in Congress as a Whig, March 4, 1859, to March 3, 1861; and served as captain and then lieutenant-colonel in the Confederate Army. He was in the Confederate Congress, 1864, 1865; in the state senate, 1865, 1866, 1879; and was in Congress as a conservative, March 4, 1871, to March 3, 1875, but refused to run again. *Biographical Directory of Congress*, p. 1212.



all he does— he is an honest intelligent, and worthy gentleman, and is well posted on southern character, and feeling. No one can give you more correct information of the status of the people South.

There has been a wonderful Change for the better since the Inauguration of President Hayes and people generally are desirous to see him Visit the several Southern States, this Winter, or Spring. Such a Visit would have a good effect, it would quiet radical Demo. Editors, and fix public sentiment upon the reform so well begun. I am glad the time has come when men of honest principles are called to office, instead of seeking the appointment through political merit, or favour, we shall have peace hereafter, I hope, and better times. Why not ask for a law requiring all Gold & Silver metals obtained on American Soil to be coined at the U.S Mints.<sup>118</sup> People have so little Money, that by the withdrawal of Fractional Currency, Small change is scarce & it needs 8 times the Volume in Silver, than in paper, because so many skinflints hoard it, and wont pay it out, we need, seems to me, 50 Millions under the Value of half dollars & when you begin, or are permitted supply enough, so that silver coin wont be a curiosity to the people. I will stop fearing I may become tedious.

With best wishes for your Success and wishing you good health I am your Friend & Servant Most Respectfully

Burr Higgins<sup>119</sup>

To his Excellency  
President Hayes

Sir This will be handed to you by my old acquaintance, the Hon<sup>ble</sup> John Sherman, In whose ability, and sound principles, I have entire confidence, and your Choice of him, as a Member of your Cabinet, was Most Excellent and good. I am also much pleased with the course and good effect of your Southern Policy.<sup>120</sup> It has proved to be the best hit, that any wise Man could have adopted. upon the distracted, and confused, Political Scisms, existing at the date of your being inaugurated President— I am a native Born Citizen, But was never, a political partisan I went to Ohio in 1828, where I lived untill 1850, and of all the Administrations, that have passed, since the Log Cabin display at Columbus,<sup>121</sup> None of the Presidents, have been inaugurated, before you, when the condition of Public affairs, were in such *Chaos*. People were differing and perplexed and desired Peace, and a restoration of business prosperity, But people now rejoice with hope, the Mantle of darkness, is lifted, hotheaded partisan politicians,

<sup>118</sup> The contraction of the currency after the close of the war, coupled with the panic which always follows a war, led to the suggestion of many radical cures. Richard P. Bland became the great advocate of free silver. The conservatives finally compromised on the Bland-Allison act which said that the government was to purchase between two and four million dollars worth of silver each month and coin it into silver dollars, but that the government could never have more than five million dollars invested in silver at any one time. Sparks, *op. cit.*, pp. 140-42.

<sup>119</sup> Burr Higgins was formerly of Sandusky, Ohio. (On back of letter to President Hayes).  
<sup>120</sup> Perhaps a more satisfactory Southern policy could not have been worked out than the one Hayes put into operation, that is of letting the Southern people care for their own local problems and take care of the Negro question.

<sup>121</sup> He here refers to the campaign of 1840 when Richard Henry Harrison and John Tyler won over Martin Van Buren on the slogan of "log cabin" and "hard cider." Edward Stanwood, *A History of the Presidency* (revised by Charles Knowles Bolton), pp. 190-203.



are neutralized, party rancour, has ceased, and honesty, industry, and prosperity, has a peaceful prospect, before them, all of which applies to the Southern Community, where I have lived for the past 20 years. And now If you can possibly find time, to visit the South, and call on the Governors of these States, and let the people see the *President*, and thereby give the opportunity to express their confidence, I assure you that it will have a good effect, it will show confidence in them, and it will be wise, and politic to do so, and give a vital effect in your behalf and also aid your special friends in behalf of your administration, and will also be highly appreciated by *all* the people.

Wishing you a long life, and good health to enable you to perform your arduous duties.

I remain your friend and Servant,

Most respectfully

Burr Higgins

Greensboro, Guilford Co N.C.  
October 13 1877.

[John Sherman Papers.]

*Private & Confidential.*

Lexington, N.C. Nov<sup>r</sup>. 4th 1877.

Hon John Sherman,  
Sec'y-Treasury U.S.

My dear Sir: I think it likely from what I hear that W.H. Wheeler,<sup>122</sup> will not be confirmed by the Senate, as Collector of this District, not so much on account of his *unpopularity*, as on account of Charges of illicit distilling, and purchasing blockade liquors, which I hear, are being established, & which has been asserted to me, by intelligent and trustworthy men of prominence [*sic*] & influence in the Republican Party— to wit. Ex-Clerk and Ex-senator Cook,<sup>123</sup> & Ex-Representative Stipe<sup>124</sup> & others of Wheeler's County,—

If his name is withdrawn, or his nomination rejected by the Senate, I *repeat* what, I said & argued heretofore,— that *Col. Henderson*<sup>125</sup> should have the place.

*First*— Because he has & can clean up the attacks made on him which have been either the result of party & political hostility, or from those wanting the Collectorship.—

*Secondly*. Because he made an efficient *Assessor*, & was popular, honest, efficient, as admitted by both parties— & resolutions passed accordingly at a public meeting—

<sup>122</sup> William H. Wheeler was in the convention of 1875 from Forsyth County. He also represented that county in the assembly, 1864, 1865, 1872, 1874. He was nominated for state treasurer by the Republicans in 1876. *North Carolina Manual, 1913*, pp. 605, 879; Hamilton, *Reconstruction*, p. 646n.

<sup>123</sup> C. L. Cook represented Stokes County in the house in 1852 and 1854, and in the senate in 1870. On three counts, although a Democrat, he voted against the conviction of Holden. He ran on the Republican ticket in the seventh district in 1874 for Congress. *North Carolina Manual, 1913*, pp. 854-855; Hamilton, *Reconstruction*, pp. 556n, 601n.

<sup>124</sup> W. B. Stipe represented Forsyth County in the lower house of the legislature with Wheeler in 1864. *North Carolina Manual, 1913*, p. 605.

<sup>125</sup> See p. 381, note 103.



*Thirdly.*— He makes friends, & has great influence among his own party, & moderate men of the opposition party.

*Fourthly:* Because he ran beyond his ticket for Congress largely, & is an active, but prudent worker—

*Fifthly.*— Because he would make an efficient, firm, Collector, & get all or most that the Government is entitled to in taxes— & would therefore put & *keep* in office only honest, faithful, business like, & working subordinates.

Having first recommended him, with no selfish design, & no interest whatever, except the desire of seeing President Haye's [*sic*] Administration, strengthened thereby, in this part of the State (where there are more floating votes than any other part)—& believing it is my political interest, to see the success of the Administration, I have stood by Henderson & still do—, & if my dear friend Ransom<sup>126</sup> (should be misled by others) or Robbins<sup>127</sup> or Scales<sup>128</sup> or any Delegate shall oppose him, it will be on *party ground* as I think,— for with *half a show*, he would have beaten Scales tho' I gave Scales all *my influence at the time.*— Beginning to realize [*sic*] the prophesies I made in the Spring, of the Hayes policy, & maintaining my position all the stronger, as then taken,

I am truly your friend—

J M Leach<sup>129</sup>

<sup>126</sup> Matt Whitaker Ransom was born in North Carolina, October 8, 1826, and died in the same state, October 8, 1904. He graduated from the State University in 1847, and after studying law he began to practice in Warrenton. He was attorney general of North Carolina from 1852 to 1855; was in the state house of representatives from 1858 to 1860; and was in the Provisional Congress at Montgomery, Alabama, in 1861, as a peace commissioner. He entered the army as a private and rose to the rank of major-general; served in the Senate from January 30, 1872, to March 3, 1895; was minister to Mexico, 1895-97; and then engaged in agriculture. *Biographical Directory of Congress*, p. 1444.

<sup>127</sup> William McKendree Robbins was born in Randolph County, North Carolina, October 26, 1828, and died in Salisbury, May 5, 1905. He attended old Trinity College, and graduated from Randolph-Macon College about 1850. After admission to the bar in 1850 he began to practice in Eufaula, Alabama. He was major in the Confederate Army for four years; served in the North Carolina senate, 1868, 1872; was in Congress, March 4, 1873, to March 3, 1879; and was appointed by Cleveland to the Gettysburg Battlefield Commission, 1894, which position he retained until his death. *Biographical Directory of Congress*, p. 1467.

<sup>128</sup> Alfred Moore Scales was born in North Carolina, November 26, 1827; attended the University of North Carolina; studied law and was admitted to the bar in 1851; and located at Madison, North Carolina. He served in the state house of representatives, 1852, 1853, 1856, 1857; was in Congress from March 4, 1857 to March 3, 1859; rose from private to brigadier-general in the Confederate Army; served in the state house of representatives from 1866 to 1869; was in Congress from March 4, 1875, to December 30, 1884; was governor from 1884 to 1888; and then engaged in banking until his death, February 9, 1892. *Biographical Directory of Congress*, p. 1497.

<sup>129</sup> See p. 385, note 117.



### PART III

## LETTERS TO WILLIAM TECUMSEH SHERMAN

Another source for letters on Reconstruction in North Carolina is the papers of William Tecumseh Sherman which were presented to the Library of Congress by his son, P. T. Sherman. This collection consists of eighty-eight volumes of correspondence and a number of official letter-books, dating from 1837 to 1891. The in-coming letters begin with Sherman's services in California as adjutant to General Kearney, and cover the period of his residence at St. Louis and at New Orleans as an army officer, at San Francisco as a banker, at Leavenworth as a practicing attorney, at Alexandria, Louisiana, as superintendent of the State Military Academy, and throughout the remainder of his life. After the Civil War repeated and unsuccessful efforts were made to draw him into politics. While the major portion of his correspondence concerns military affairs, many letters were written by politicians and others, including carpet-baggers. Since he was a military man and not a politician, few scalawag and carpetbag letters are found in this collection from any of the Southern states. These letters from the late insurrectionary states throw historical light on Reconstruction in the South.

Ft Fisher  
Jan 16 1865

Dear General

After an assault & seven hours hand to hand fighting we captured at 10 P.M. last night Ft Fisher<sup>1</sup> with 1780 well prisoners, & 72 guns. The front we attacked was from fifteen to twenty feet high & about 250 yards long & looks ugly enough now we have it.

By night I think our gun boats will be in Cape Fear river- they are feeling in now.

---

<sup>1</sup> Fort Fisher was an extensive earthwork on a point of sandy land between the Cape Fear River and its mouth on the ocean. On the land front it was a strong stockade and on the sea front the wrecks of several blockade runners added to its protection. Twenty heavy guns protected the fort. Late in 1864 a powerful fleet under Admiral Porter and a land force under General Godfrey Weitzel were ordered to attack Fort Fisher. Porter filled the powder ship *Louisiana* with 215 tons of powder which was all exploded at one time by a clock arrangement. Although the explosion broke glass on a ship twelve miles away and although it was felt sixty and even eighty miles distant, it had no effects on the fort. Troops were landed for an attack, but were soon called to Petersburg. General Alfred H. Terry took Weitzel's place, and Lieutenant-Colonel Comstock was the chief engineer of the attack. On January 13, 1865, 8,000 troops were landed. Aided by 1,400 marines and 600 sailors and the fleet, the assault took place, January 15. The United States forces lost 681 men, including 88 killed. The fleet lost about 300 men. They captured about 2,000 prisoners, 169 pieces of artillery, 2,000 small arms, and stores. *Harper's Encyclopaedia of United States History*, III, 372-5.



I send this information direct thinking it might be important that you should know it at once.

Very Truly Yours

C.B. Comstock<sup>2</sup>

Lt. Col ADC

P S Our main assaulting force was about 3000, our force here previous to assault 8500- loss about 700.

Wilmington and Weldon Rail Road Company.

Office Chief Engineer and Superintendent.

Wilmington,<sup>3</sup> N.C. Feby 20<sup>th</sup> 1865

Majr Gen W T Sherman

Comdr U S Forces &c-

My dear Sir

Permit me to claim your protection for my *family* and so far for myself as to see me protected in my civil rights.

Our old friendship prompts me to write this brief note.

I am not engaged in Arms against the old Flag that you and myself together served under and which came down here *without my consent* but with my *heartfelt sorrow*-

Until North Carolina elected to go out of the Union I was a "*Union Man*"- as you must know after that I hope for Southern Success, Yet I am only a citizen in charge of an important link of the Railroad where I hope and expect to remain-

I shall not be disloyal to my *honor* in any case & what I promise the enemy's [*sic*] of my *section* I (not mine) shall as you well know abide by & keep-

All I ask is that I may be allowed to remain a quiet citizen within your lines as to work this Road for those who desire it or can control it-

Please to grant such orders to the Military authorities in this State as will prevent *unnecessary* destruction of its Road bridges &c and as you will without doubt want its use this will be wise-

I would like to hear from you.

Yours truly

S. L. Femoret<sup>4</sup>

<sup>2</sup> Cyrus Ballou Comstock was born in Massachusetts, February 3, 1831; graduated from West Point in 1855; became an engineer in the army with the rank of second lieutenant; and later returned to West Point as assistant professor of natural and experimental philosophy. In August, 1861, he was made assistant engineer in the Army of the Potomac and chief engineer in November, 1862. After Fredericksburg, he was transferred to the army of the Tennessee as chief engineer. He was senior aide to Grant and served around Richmond, at Fort Fisher, and in the Mobile campaign. From 1866 to 1870 he was aide to the general about Washington and was then made superintendent of the geodetic survey of the Northern and Northwestern Lakes and other important surveys including the improvements at the mouth of the Mississippi. In 1881 he became lieutenant-colonel of engineers and was brevetted brigadier-general in the regular army and major general of volunteers. In 1882 he became a member of the board of engineers for fortifications and rivers and harbors and two years later he became a member of the National Academy of Science. He was also a writer of some note. Appleton, *Cyclopaedia of American Biography*, I, 702; Francis B. Heitman, *Historical Register and Dictionary of the United States Army from its Organization, September 29, 1789, to March 2, 1903*, I, 319.

<sup>3</sup> Wilmington, North Carolina, was originally laid out under the name of Newton, in 1733. It was incorporated as a borough in 1760, and as a city in 1866. *Harper's Encyclopaedia of United States History*, X, 393-4.

<sup>4</sup> It has been impossible to identify S. L. Femoret.



Headquarters, 3 rd Division, 14th Army Corps.

Goldsboro N. C. April 3 1865

My Dear General

I send for your perusal- provided, you are able to decipher it- a letter I have recd from Mr Gerrit Smith<sup>5</sup> of N. Y. invoking blessings upon you-

When in Savannah I heard that effort was being made to place you and the ultra radical men of the North in opposition, and thinking that you required the support of all men of all shades of opinion I wrote to Mr. Smith to put a stop to it, and telling him of your interview with the blacks in that city-

He was much delighted and wrote to Wendell Phillips<sup>6</sup> another talking man on the subject-

Most truly Yours

A Baird<sup>7</sup>

Maj Gen Sherman-  
Present-

U.S.R St. "Moccasin"  
Wilmington N. C.  
Dec: 22<sup>d</sup> 1867

Sir,

As I am very anxious to get a Copy of the "Report of the Committee on the Conduct of the War"-<sup>8</sup> Published by Congress- and as I am without a friend in Washington to whom I could write, I have, Concluded to ask your influence with your brother, Senator Sherman,<sup>9</sup>

<sup>5</sup> Gerrit Smith was born in New York, March 6, 1797, the son of a wealthy landowner. He became a very successful business man. After giving away some \$8,000,000, he left an estate of more than \$1,000,000. He broke away from the Presbyterian Church and erected a chapel of his own and preached temperance and politics in and out of church. He gave away much land and tried to colonize Negroes in northern New York. He believed in woman's rights, including suffrage. He obtained special permission to practice in the courts in order to help the poor and unfortunate. He became an outstanding slave agitator and by speaking and writing he sought to create sentiment in favor of emancipation. He led in the formation of the Liberty party in 1840, and he was its candidate for the presidency in 1848 and 1852. He was nominated for governor of New York in 1840 and again in 1858. He accepted in the latter year on the abolition and prohibition platform. Between 1850 and 1860 he assisted many slaves to escape to Canada and for this connection with abolition was mobbed more than once. He was elected to Congress in 1853, but served only one term. He died rather suddenly, December 28, 1874. *National Cyclopaedia of American Biography*, II, 322-3.

<sup>6</sup> Wendell Phillips was born in Boston, Massachusetts, November 29, 1811, and died February 2, 1884. He graduated from Harvard in 1831 and became a noted leader in the anti-slavery crusade. After the war he spent much of his time guarding the rights of the Negroes. Appleton, *Cyclopaedia of American Biography*, IV, 759-762.

<sup>7</sup> Absalom Baird of Pennsylvania became a cadet on July 1, 1845; second lieutenant, April 1, 1850; first lieutenant, December 24, 1853; captain, August 3, 1861; and major, November 12, 1861. He became brigadier-general of volunteers on April 28, 1862, and was honorably mustered out of volunteer service on September 1, 1866. He became a lieutenant-colonel on June 13, 1867; colonel, March 11, 1885; brigadier-general, September 22, 1885; and retired, August 20, 1888. While in the army he received many honors for meritorious service and gallantry. Heitman, *Historical Register of the United States Army*, I, 182-183.

<sup>8</sup> When Congress assembled on December 2, 1861, the outlook was gloomy for the Union. Accordingly on December 9, 1861, Congress appointed a joint committee on the conduct of the war. This committee consisted of Senators B. F. Wade, Zachariah Chandler, and Andrew Johnson and Representatives G. W. Julian, John Covode, D. W. Gooch, and F. M. Odell. By 1863 this committee had made three successive reports, each comprised in a volume. Later three more parts and two supplementary volumes were issued. These reports possess great interest, especially the portions devoted to testimony. The principal actors of the war and their subordinates gave, often under rigorous cross-examination, many interesting facts regarding the war which otherwise would not have procured. *Report of the Joint Committee on the Conduct of the War* (8 vols.); James Kendall Hosmer, *The Appeal to Arms*, p. 80; James Kendall Hosmer, *Outcome of the Civil War*, pp. 318-19.

<sup>9</sup> He refers to Senator John Sherman.



that I may be able to procure a Copy of the above report. I shall feel very much obliged to you for any trouble you may take, at the same time I beg you may pardon my presumption.

To my surprise & regret, I was detached from the "Dix" in April, last and ordered to this vessel- I hope the Dept. will Conclude to send me back to the Lakes in the Spring.

Trusting you continue to enjoy good health I remain

Very Respectfully Your Obdt. Servt

J Wall Wilson<sup>10</sup>

Gen W.T.Sherman,  
U.S. Army,  
Washington  
D.C.

Raliegh N. C.  
September 27th. 1874

Dear General

I am in serious trouble, and write to you as a friend of My Father, and my family, & would not dare do so, was not the welfare of those dependent on me so deeply involved.

I have, through the duplicity of persons I supposed my friends, signed papers, which will unless I can borrow Money to settle them, give me trouble of the most serious nature, and write to ask if you can and will help me.

I require \$800.<sup>00</sup>, this Amount I shall be able to return in a few months provided I can effect a final settlement of my Grand Fathers Estate in Albany.N. Y.

Please so not think me presumptuous General, a dying man will catch at a straw, and we Army boys have no one to call on outside of the Army

If I were alone I could stand it, but for the sake of my family and my wife and children I make this appeal feeling that if it be in your power you will assist me.

I am General Most Respty

Your Obdt servant

R.E. DeRussy<sup>11</sup>

1<sup>st</sup> Lt 2<sup>d</sup>. Arty.

General W. T. Sherman.  
U.S. Army  
Washington,  
D.C.

<sup>10</sup> J. Wall Wilson is not listed as an officer in either the army or navy during the Civil War period.

<sup>11</sup> Rene Edward DeRussy of Virginia and New Jersey was doubtless the son of an army officer of the same name who was born in the West Indies and became a cadet in the army on March 20, 1807; rose to the rank of brigadier-general, March 13, 1865; and died, November 23, 1865. The younger man was made second lieutenant of the New York militia on December 21, 1863, and resigned on February 24, 1865. He reentered the army as a second lieutenant on April 25, 1866; became first lieutenant, May 1, 1867; resigned, November 16, 1874; and died, April 24, 1895. Heitman, *Historical Register of the United States Army*, I, 369.



## PART IV

### LETTERS TO ELIHU BENJAMIN WASHBURNE

Among the manuscript collections of the Library of Congress are the papers of Elihu B. Washburne which were presented to the government by his son Hemstead Washburne. These papers cover the period from 1832 to 1882 and fill 102 volumes. The collection is rich in material pertaining to the formation and early history of the Republican party, the prosecution of the Civil War, and the progress of Reconstruction, as well as to American foreign policy during the period while Washburne was minister from the United States to France. While in Congress Washburne worked in behalf of his personal and political friend, Abraham Lincoln, and to forward the military fortunes of his fellow townsman and protege, U. S. Grant, whom he was determined to make President of the United States. He turned against Johnson, joined the radicals in Congress, and was one of the members of the Joint Reconstruction Committee. It has been said that when members of the vindictive party "competed with one another in phrasing violent abuses of Andrew Johnson . . . Elihu B. Washburne deserves one of the prizes." Naturally the radicals in both the North and the South communicated freely with him. The collection contains over 13,154 letters written by 5,326 individuals. Many of these came from scalawags and carpetbaggers. In this group fewer letters were written from North Carolina than from any of the other Southern states, but they contain interesting facts and rather bold statements which are indicative of the attitude of the carpetbaggers.

Office of Register in Bankruptcy  
4th District, North-Carolina  
Raleigh, N.C., October 30<sup>th</sup> 1867.

Hon E B Washborne<sup>1</sup> M C  
Galena Ill

Dear Sir

Perhaps you have forgotten me if so I have not forgotten you- I was Col of the 4<sup>th</sup> Ind Car and after the Close of the War I strayed down

<sup>1</sup> Elihu Benjamin Washburne (September 23, 1816-October 22, 1887) was born in Maine and died in Chicago. He attended the common schools, became a printer, studied law at Harvard Law School,



here and was appointed Register in Bankruptcy by Judge Chase<sup>2</sup> and to use one of our Western *Phrases* am making it *pay*— I am also a Member of the Republican state Central of this state and we want some information in *Regard to President making* I served under *Grant*<sup>3</sup> for over two years *love* him like a *father*, Govern Holden<sup>4</sup> the Chairman is a Warm Friend to the Genl You I know are informed shall we hoist *Genl Grant* in this State We can make this state for either Chase or Grant<sup>5</sup> as we like which shall it be— I have followed *Grant* in more than one Charge on the eney [*sic*] would like to *go* over it with him— we will vote here on the 19 —20 of Next Month We will carry two thirds of the Convention and Cary all the state by twenty or thirty thousand Majority the Union League<sup>6</sup> has over two hundred Councils all right and our Watch-word is Victory or death look out for old *North Carolina* next Year if we get in to vote<sup>7</sup> we will surprise you What a *huge* old Republican *Vote* we will give *him*<sup>8</sup> Please Write either me or to *Gov W W Holden* what is the best mode to pursue in the Case this is written You in hopes you will give us your *Honest* opinion we hear only good of the Republican Party at heart and will doe [*sic*] all we can for the *Nomine* [*sic*] let him be who he May Judge

and located in Illinois. He served in Congress from March 4, 1853, to March 6, 1869, when he resigned. After serving under Grant as Secretary of State for a few days he was sent to France as minister, and made an excellent record. He returned to the United States in 1877 and settled in Chicago, where he engaged in literary pursuits and served as president of the Chicago Historical Society. *Biographical Directory of the American Congress, 1774-1927*, p. 1671.

<sup>2</sup> Salmon Portland Chase (January 13, 1808-May 7, 1873), after graduating from Dartmouth College and reading law in the office of William Wirt, was admitted to the bar on December 14, 1829. He moved to Cincinnati, Ohio, in 1830 and soon became an abolition leader in the West. He first allied himself with the Liberty party and then with the Free-Soil party. He was elected governor of Ohio in 1855 and 1857; served in Senate from March 4, 1849, to March 3, 1855. He took his seat in Senate again on March 4, 1861, but resigned two days later to become Secretary of the Treasury. He resigned this office on July 1, 1864. He was appointed Chief Justice of the United States Supreme Court on December 6, 1864, and retained this office until his death. *Dictionary of American Biography*, IV, 27-34.

<sup>3</sup> Ulysses Simpson Grant (April 27, 1822-July 23, 1885) graduated from West Point; served in the Mexican War, and was permitted to resign in July, 1854. He reentered the army in 1861; won fame in the West; was transferred to the East in 1864; and won immortal fame in defeating Lee. He was President of the United States from 1869 to 1877, toured Europe, endeavored to receive the Republican nomination in 1880, and became involved in financial difficulties, but the publication of his *Personal Memoirs* made his family wealthy. *Dictionary of American Biography*, VII, 492-501.

<sup>4</sup> William Woods Holden (November 24, 1818-March 1, 1892) was born in Orange County, North Carolina. Although he had a limited education, he worked himself up from a printer's devil to an editor. He studied law on the side and became a force in the political life of North Carolina. He was defeated for governor in 1858; was a delegate to the Democratic conventions in Charleston and Baltimore in 1860; and worked for secession. He broke with Vance and ran against him for the governorship in 1864; was appointed provisional governor of North Carolina in 1865; and became a leading radical reconstructionist and supported Negro suffrage. He was elected governor in 1868, but after the Democrats swept the state in 1870, he was impeached and removed from office. *Dictionary of American Biography*, IX, 138-140.

<sup>5</sup> In 1868 some of the radicals wanted Chase instead of Grant, for they did not think that the latter was radical enough on the question of Negro suffrage and reconstruction. Some even wanted Schuyler Colfax, but Grant won on the first ballot and Colfax was made his running mate. James Ford Rhodes, *History of the United States from the Compromise of 1850 through the McKinley-Bryan Campaign of 1896*, VI, 269-70.

<sup>6</sup> In the midst of the depressing year 1863 secret orders sprang up, the most important of which was the "Knights of the Golden Circle," the design of which was to give aid and comfort to the enemy. About the same time the Union League was started in many places to cherish devotion to the Union. By the time of the passage of the Reconstruction Acts there were numerous Union League chapters in the South, composed largely of Negroes. Its secrecy, oath, and awe-inspiring rites and ceremonies made a strong appeal to the freedmen. James Kendall Hosmer, *The Appeal to Arms*, p. 250; William Archibald Dunning, *Reconstruction, Political and Economic*, pp. 115-116.

<sup>7</sup> By an act of Congress of June 25, 1868, North Carolina along with five other states was admitted to the Union. Dunning, *Reconstruction*, pp. 118-119.

<sup>8</sup> In the election of 1868 in North Carolina Grant won by a majority of 12,890, receiving 96,449 to 83,559 for Seymour. In the legislature, however, the Republicans elected forty-one senators and eighty-two representatives to nine senators and thirty representatives for the conservatives. J. G. de Roulhac Hamilton, *Reconstruction in North Carolina*, pp. 374-376.



Chase Genl Grant or any one else that our Party Nominates *please anser [sic]*.

I am Sir Truly Yours

John T. Deweese<sup>9</sup>

P S How is Your Brother Maj Gen C C Washbur<sup>10</sup> *[sic]* he was my old Comandig *[sic]* officer

(Chas Snyder & Colored men)  
Halifax Feb 1<sup>th</sup> 1868

Mr. Hon E B Washburn  
House of Representatives

Dear Sir we the Signers A Company of Colored people living near halafax *[sic]* N.C are very anxious to go to Liberia being unable to help ourselves & the Colonization Society<sup>11</sup> not having the means to help us we have mingle *[sic]* our voises together in prayer to the most high & living god for wisdom that in mercy he will provide for us & we pray to you & to your honorable *[sic]* body that you will assist us in this day of our tro[u]ble by Contributing Some little Sum to each family in this company we pray that this Sum may be to the Colonization Society that they may take us in may next in 1868 to Liberia We cannot ask for any certain Sum for we donot know what it cost but we pray that you will give to the Society what your honorable *[sic]* body will grant to us we are of the religious portion of the colord *[sic]* people & wish to get home to our forefathers land we donot want to Stay here we have no disire for any thing in this country but that we have jest *[sic]* prayed for Some of us have follow the Corps to the grave by the blood running from the coffin others have bin *[sic]* shot like mad dogs Some of us have not been paid for our work for two years back & they will not pay us for our work we donot want to say to vote

<sup>9</sup> John Thompson Deweese was born in Arkansas on June 4, 1835; was educated by his mother; studied law; and was admitted to the bar in 1856 and began to practice in Kentucky. He moved to Denver, Colorado, and then back to Indiana. He entered the Union army on July 6, 1861, but resigned on February 15, 1862. He became captain on August 8, 1862, major on February 12, 1863, lieutenant-colonel on May 17, 1863, and was promoted to colonel, but he never served in that capacity. After he was discharged on March 11, 1864, he moved to North Carolina. He entered the United States infantry as second lieutenant on July 24, 1866, but, having been elected to Congress, he resigned on August 14, 1867. He was appointed register in bankruptcy and served in Congress from July 6, 1868, to February 28, 1870, when he was forced to resign pending investigation relative to selling cadetships in the military and naval academies. He made no attempt to defend himself, but said he was not expelled for selling the cadetship, but for underselling the market. He was mixed up in much of the graft in North Carolina during Reconstruction. He did not return to North Carolina, but located in Cleveland, Ohio, where he invested his savings in a city block, and resumed the practice of law. He died in Washington, D. C., on July 4, 1906. *Biographical Directory of Congress*, p. 902; Hamilton, *Reconstruction*, pp. 281, 363, 367-8, 490-91, 430-31, 439, 445-6, 491, 653; Francis B. Heitman, *Historical Register and Dictionary of the United States Army from its Organization, September 29, 1789, to March 2, 1903*, I, 371.

<sup>10</sup> Cadwallader Colden Washburn was born in Maine on April 22, 1818. He attended the village school, worked in a store, read law, moved to the West, and finally located in Wisconsin. He served in Congress from March 4, 1855, to March 3, 1861; was a delegate to the peace conference in Washington in 1861; and, after entering the army, rose to the rank of major-general of volunteers by November 29, 1862. He resigned on May 25, 1865; served in Congress from March 4, 1867, to March 3, 1871; was governor of Wisconsin from 1872 to 1874; and then engaged in lumber and flour manufacture along with several other businesses. He died in Eureka Springs, Arkansas, on May 15, 1882, while on a visit to the springs there for his health. *Biographical Directory of Congress*, p. 1670; Appleton, *Cyclopaedia of American Biography*, VI, 371-2.

<sup>11</sup> The American Colonization Society was founded in 1817 and existed until 1912. Its main purpose was to remove free Negroes from the United States to Liberia. It had branches in every state of the Union. The churches and in some cases the state legislatures gave money to transport freedmen. Between 1821 and 1867 it sent out of the United States 6,000 Negroes. After 1865 it functioned mainly as a trustee of Liberia. James Truslow Adams, ed., *Dictionary of American History*, I, 59.



we donot want this land because it is poluted with our blood the land holder in North carolina have all agreed that they will not let their land to the black man only in one way & it does not make any difference how he bargains withe [sic] the blackman haves [sic] his family and feed himself & all he gets is the forth & a half forth & every man that has got to buy of the land holder must Starve next winter he cannot live the wiskey [sic] Still in this neighborhood has raise [sic] the prise [sic] of corn from five dollars to ten a barrel

there is nothing in this Countrey [sic] for a blackman that has comon [sic] Sence [sic] gut Cruelty Starvation & blood Shed we pray there fore please grant us this request & oblige Your umble [sic] Servants please Direct letters to Charles Snyder Halifax N. C

We have not had one dollar from the Goverment [sic] in this world no rations no clothing nor Books no Teachers. And we donot know how to Send to you Respectfully

please forgive our ignorance

---

We will Send a list of families & number in the families

Wyley weaver	12	Ephriam Facin	2
Henry Lewis	9	Miles Sikes	3
Annias Buck	2	Benjamin adkin	2
Naptham Burgwn	7	Asa Hatch	2
Charles Snyder	2	Jerry Ellet	4
Cary Day	5	Toney Dudley	2
Robert Hatch	2	Boston Richardson	2
Edward Hill	6	Peter Graham	3
Oliver Fenner	5	John Green	4
James Axson	3	John Williams	2
Edmond Gary	3		
Manuel Johnson	2	there is in this Company 150	the bal-
Robert Simmons	3	ance are Single persons we have don	
Harry Ridley	3	[sic.] the best we can with this petition	
Dempsey Ercuit	3	please let us know Soon if we can go	
James Norman	7		
Henry Green	4		
Charles Ercuit	5		
Cornelius Willians	3		
Dure Layney	4		
Harris Yryley	2		
Nelson Bynom	7		
Redick Johnson	2		
Hary Epps	3		

Windsor, Bertie County  
North Carolina April 14<sup>th</sup> 1871

Hon E.B. Washburne  
American Minister at Paris France

Dear Sir- Pardon me for troubling you with this letter. I thought the disturbed condition of Affairs in France would probably leade



[sic] many gentlemen Farmers & Speculators to leave their native Country for America to invest in Some of the many Opportunities now Offered in the Southern States for both Investment and Settlement.

The Scarceity [sic] of Labor here Compel many of the large land holders to Sell their lands at ruinous low prices but it is believed to be wisest to Sell Cheap than try to hold longer

I therefore write you to place this letter in the hands of Some Emigration Agent or Company of your acquaintance.

I have 2425 acres of the best farming lands in the State of North Carolina for Sale 1200 acres of which has been under Cultivation & is enclosed with fence. the land is capable of growing 500 lbs lint Cotton to the acre. corn wheat & all the Small grains, best of fruit. Grapes &c on this part are \$12000, worth of Buildings. The bottom of the tract is Timbered with Cyprus Ash, Oak &c Situated on both Sides of the Roanoke River at Quitsney the Principal Shipping port in the County on Roanoke River the Tract is So located the road to Quitsney passing through the Center of the farm that it can be Conveniently [sic] Subdivided into Smaller farms having the dwelling at the Road and the farms in the rear, the land is all high land on the North Side of the River and Extends North from the river one and a half miles to the Windsor Road at which my Dwelling is Situated which is 40 X 52 3 Stories and overlooks over 1200 acres of the farm all as pretty land as any person need desire to own. My residence is 7 miles from Windsor the County Seat & 1½ from Quitsney the Shipping port on the premises a very fine Colony could be made on this farm Commanding the trade of the Surrounding Country for from 10 to 15 miles. on the farm are 5 double frame one story tenat houses 18 X 36. 6 frame houses 18 X 20 3 log houses. Three apple orchards the best of pure Soft cool running water. both Springs & wells. The climate is as good as any State in the united States of America, the winters are very mild. farming opperation [sic] need not stop for winter. The Country is Sparsely Settled and a farming Country before Slavery was abolished this was the wealthiest part of the State. I will sell the whole 2425 acres including the town of Quisney of 50 acres laid out into town lots for \$25000. and allow a commission for selling of five percent this would be less than \$6.<sup>00</sup> per acre for the land valuing the buildings at \$12000. My residence the building cost \$8000 the People are intelligent Educated farmers. The Freed men are orderly & well behaved. we have no disturbances in this part of the South the newspaper disturbans [sic] are mostly Humbugs

Truly yours

Melford Vernooy<sup>12</sup>

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<sup>12</sup> It has been found impossible to identify Melford Vernooy.



## BOOK REVIEWS

THE LOYALISTS IN NORTH CAROLINA DURING THE REVOLUTION. By Robert O. DeMond. (Durham: Duke University Press. 1940. Pp. viii, 286. \$3.00.)

To the slowly growing list of thorough studies of Loyalism in the Revolution Professor DeMond has made a welcome contribution. The significance of the book is far more than local, for North Carolina had proportionately more loyalists than any of the other colonies. The author begins with a survey of the events in North Carolina leading up to the war and demonstrates that for the most part local grievances, such as conflicts over the courts and paper money, were more important in arousing opposition to England than were the acts of parliament. This chapter is followed by one analyzing the groups that tended to remain loyal, such as the merchants, the Regulators, and the recent Scottish immigrants. There then comes a more or less chronological narrative of the conflict, civil and military, between the adherents of the two sides within the State from 1775 to the end of the war. The final chapters are devoted to the legislative assaults upon the Loyalists, the confiscation of their property, their flight from the State, and their efforts to get compensation from the British government. An elaborate group of appendices reproduces rosters of Tory military organizations and lists of confiscated estates, Loyalist claims, and pensions in Great Britain after the war. The hundreds of names here given should prove very useful to the genealogist, the local historian, and the special student.

The story which the book tells is not a pretty one. Its unpleasantness lies not in its disclosure that so many Americans preferred the British connection to independence—the time has long since passed when that fact need cause us distress. The painful feature of the account is its revelation of bitterness, of vindictiveness, and of down-right cruelty shown by neighbors to each other. For the Revolution in North Carolina, as Professor DeMond makes very clear, was first of all a civil war. The story of Loyalist activity, and even more that of patriot counter-activity, is therefore not only one of honorable warfare but also one of persecution, violence, bloodshed, and revenge. The author presents his account impartially and fairly, yet he leaves the distinct impression that the record of patriot action was



considerably less creditable than that of their American opponents.

The picture painted in this book is dark, but the reader may derive a negative sort of satisfaction from the fact that it is not darker. This, after all, was revolution and civil war, and, like all such convulsions, it brought loss of property, imprisonment, and death to numbers of its participants. But it was far from being as bloody as most great civil conflicts. The American Revolution, in North Carolina or elsewhere, was accompanied by no such mass executions as marked the French Revolution a few years later. Men were imprisoned, sometimes for long terms, in the insanitary jails of those days, but the planned and systematic brutality of modern concentration camps, designed for the breaking of the human spirit, was no part of deliberate governmental policy in those less "efficient" times. And the word "purge" had not yet attained its twentieth-century significance. The struggle here brought suffering and disaster to many, but it brought no organized Reign of Terror on the European revolutionary pattern.

Professor DeMond has made a thorough study of the available sources and has written a volume which adds considerably to an understanding not only of the local situation in North Carolina but of the Revolution in general. The book, nevertheless, is disappointing in one or two respects. While the author analyzes some of the motives, economic, political, or sentimental, which inspired men to support the home government, he does not get much beneath the surface, to investigate their underlying attitudes, their social and political philosophies, their "climate of opinion." In a book on eighteenth-century Tories it would have been helpful to find some analysis of the Tory mind in operation. Minor defects include a few slips in names or statements of fact, a number of infelicities of style, and an index which displays some notable omissions. Having made these criticisms, the reviewer returns to his general conclusion that the author has performed a valuable service and made a distinct and very useful contribution to the history of the struggle for independence.

LEONARD W. LABAREE.

YALE UNIVERSITY,  
NEW HAVEN, CONN.



THE ROAD FROM MONTICELLO: A STUDY OF THE VIRGINIA SLAVERY DEBATE OF 1832. By Joseph Clarke Robert. Historical Papers of the Trinity College Historical Society, Series XXIV. (Durham: Duke University Press. 1941. Pp. ix, 127. \$1.00.)

The slavery debate in the Virginia House of Delegates, 1831-1832, has long interested historians of the ante-bellum South. In addition to treatments in numerous older works, T. M. Whitfield in his *Slavery Agitation in Virginia 1829-1832* and in a more general way W. S. Jenkins in his *Pro-Slavery Thought in the Old South*, Clement Eaton in his *Freedom of Thought in the Old South*, and Arthur Y. Lloyd in his *Slavery Controversy, 1831-1860*, have recently given new emphasis to the debate. Despite these treatments, Mr. Robert justifies, in the opinion of the reviewer, this new study of the controversy by offering "a convenient summary of the causes and consequences of the debate," by presenting evidence of the slaveholding interests of the members of the House of Delegates, and especially by providing "in the extracts from the debate representative selections from newspapers and pamphlets rarely available to the student."

In a compact and well documented summary, he treats the Nat Turner insurrection and its influence in provoking the debate. A careful study of the county tax records enabled him to analyze with great effect the slaveholdings of the members who participated in the discussion. After summarizing briefly the procedure in the House of Delegates and the arguments of the three factions, he points out the significances of the several votes and discusses briefly the outgrowths and influences of the debate upon the development of a pro-slavery sentiment in Virginia and the South.

This brief but effective summary serves as a background for the second half of the book, which includes extracts from the speeches. Some of the selections are brief; while others are two or three pages in length. Although I am inclined to feel that longer extracts from fewer representative speeches would give a more satisfactory picture, the selections give a good idea of the arguments presented as well as of the style of oratory.

Outside of his careful study of the slaveholdings of the members of the House of Delegates and his analyses of the votes, Mr. Robert offers little that is new in interpretation and information. Nevertheless it is the most satisfactory work, from the standpoint of scholarship and convenience



to the student, of all the treatments of the debate. His tables, his arrangement of the speeches, and his explanations of the sources of his extracts are indicative of the care with which he has prepared the essay.

HENRY T. SHANKS.

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BIRMINGHAM, ALA.

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FLORIDA: LAND OF CHANGE. By Kathryn Trimmer Abbey. (Chapel Hill: The University of North Carolina Press. 1941. Pp. xii, 426. \$3.50.)

The author of this volume has been for some years a professor of history in the Florida State College for Women at Tallahassee and has published a number of articles on various phases of Florida history. She is, therefore, well qualified to write on the subject that she has selected. Her point of view and approach are suggested in the preface: ". . . this story of Florida does not attempt to trace community life or the founding of towns and counties as such—as important as these movements may be. Its purposes are confined to the relating of the Florida of the present to the larger tides of human thought and behavior, tracing the factors which have contributed to making her what she is, and seeking to explain what she has done with the stuff of her existence." The reader will not, therefore, expect a detailed narrative but rather an account of the historical evolution of a region.

The book has sixteen chapters. The first four are devoted to Spanish exploration, colonization, and control. Incidentally, Dr. Abbey's account of Pedro Menendez de Aviles tends to bear out Channing's famous characterization of this worthy as "the bloodiest Spaniard who ever cursed American soil—and one of the ablest." The fifth chapter deals with the shadowy period of British dominion, 1763-1783; the sixth and seventh chapters trace the intrigues, events, and negotiations which resulted in the transfer of Florida from Spain to the United States. Then follow chapters relating to the organization of the peninsula as a territory, the economic development of the region, the problem of Indian removal, and the admission of Florida into the Union in 1845. Three chapters deal with the rising tide of secession, the Civil War, and Reconstruction. A chapter entitled, "Democratic



Supremacy: Conservative, Populist, and Progressive," treats political developments since 1876. A final chapter depicts the contemporary economic scene, giving interesting accounts of the exploits of Henry B. Plant and Henry Morrison Flagler, whose foresight, genius, and capital contributed much to the late-nineteenth-century and early-twentieth-century awakening of Florida. More than forty maps and pictures give clarity and color to the story. An appendix lists Spanish, British, territorial, and state governors with the dates of their administrations, and the counties with the dates of their creation.

The book, though apparently prepared largely for popular consumption, has the earmarks of scholarship. Citations there are, but discreetly placed at the end of the volume. A twenty-four page bibliography is conveniently arranged by chapters. There does not seem to be complete rhyme or reason in the selection of the books, however, for citations and the bibliography. One wonders why, in discussing Jackson's relations with Florida, Parton's biography was used to the exclusion of the products of more recent scholarship, such as those by John Spencer Bassett and Marquis James. The bibliography includes Malloy's collection of treaties between the United States and foreign powers, but does not mention the invaluable and more recent collection of Hunter Miller.

Dr. Abbey gives an understandable and informative account of a developing and changing region beginning with the savages in forests and swamps and concluding with a picture of the Miami skyline which reminds one of, if it does not rival, that of New York City. So skillfully has she done her task that the reader gets a real sense of the changes as they gradually occur. The author has, of course, been under severe limitation in regard to space and has had to be somewhat arbitrary in her selection of material. Some readers will not agree with her apportionment of space. It seems to this reviewer that if the fifty-seven years from 1819 to 1876 deserve one hundred and fifty pages, the sixty-five years from 1876 to the present, which have seen Florida develop from perhaps the most provincial of the Southern states to the most cosmopolitan, deserve more than the fifty-eight pages which have been allotted them. A more equitable division of space would give opportunity for a more complete story of the draining of the Everglades, which is not carried



beyond 1909; it would allow discussion of the trucking and citrus industries, so important in the economy of modern Florida; it would give a chance for the evaluation of the effects of the booms and deflations in real estate which have been so characteristic of Florida history; it would provide space for a discussion of the importance of "that perennial gadfly, the tourist," without whose annual migration one of the most charming winter playgrounds in the western hemisphere would be transformed from a valuable asset into a grave liability. Perhaps, too, such rearrangement would make possible the insertion of a few statistics which judiciously used for purposes of comparison might sustain with dramatic effect the thesis of the title, *Florida: Land of Change*. But after all this is Dr. Abbey's book; it is a good book; and she is not to be censured if her conception of how it should be written differs from that of a dyspeptic reviewer.

CECIL JOHNSON.

THE UNIVERSITY OF NORTH CAROLINA,  
CHAPEL HILL, N. C.

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LINCOLN TAKES COMMAND. By John Shipley Tilley. (Chapel Hill: The University of North Carolina Press. 1941. Pp. xxxvii, 334. \$3.50.)

In this fresh study of the outbreak of the Civil War, Mr. Tilley has diligently searched the records and has produced a narrative which is at once unorthodox and enlightening, if not at every point convincing. Although nowhere in the book is it so baldly stated, Mr. Tilley's thesis is that President Lincoln, even before his inauguration, became the head of a war faction which spurned compromise and skillfully used the issue of the Southern forts to provoke the South to war; and that in following this policy the war faction paid scant regard to the niceties of strictly honorable procedure. Mr. Tilley is not among those who believe that war was unavoidable. In his opinion, however, Lincoln was the one person in the country who might have arisen above party considerations and through coöperation with conservative Southern leaders, peaceably preserved the Union.

*Lincoln Takes Command* falls into three parts as the author treats separately, and therefore with considerable repetition, the stories of Fort Pickens, Fort Sumter, and the Confederate peace commission. The events culminating in the successful reinforcement of Fort Pickens on the night



of April 12 are related in detail. Buchanan's administration is indicted for its "stupidity" and "witless blundering" in sending the *Brooklyn* to Pensacola at the end of January, and the Lincoln administration is held to have recklessly violated the armistice which had been effected for the purpose of averting the crisis which the dispatch of the *Brooklyn* had created. Lincoln's later claim that he had "only vague and uncertain rumors" of the existence of an armistice at the time reinforcements were thrown into Fort Pickens is effectively refuted.

About one-half of the volume is devoted to Fort Sumter. A circumstantial case is developed to indicate that Lincoln may have greatly influenced the events of the Buchanan period through his letter of December 12, 1860, to E. B. Washburne in which the President-elect sent a confidential message to General Winfield Scott requesting that preparations be made to "either hold or retake the forts, as the case may require, at and after the inauguration." Mr. Tilley suspects that Major Anderson's move from Fort Moultrie to Fort Sumter in violation of the gentlemen's agreement between Buchanan and South Carolina Congressmen may have been on the whispered suggestion of General Scott acting in the spirit of Lincoln's letter. It is even suggested that the *Star of the West* expedition may have been similarly inspired and that the whole episode was, in Secretary Thompson's words, "a concealed trick, first conceived by General Scott and adopted by Secretary Holt, but countermanded by the President when too late." The revival of the reinforcement idea in February is also suspected of having been the work of an inner clique which, inspired by Lincoln and contemptuous of Buchanan's inaction, was "covertly laying plans for war." In all of the foregoing Mr. Tilley has ingeniously developed an interesting speculation, but in the opinion of the reviewer he has assigned entirely too much significance to the Washburne letter and dismissed too lightly the contrary evidence. Lincoln's influence in this period was through his well known opposition to compromise legislation, the adoption of which might have changed the course of American history.

Mr. Tilley finds much less hesitation and indecision in the forts policy of President Lincoln than is usually ascribed to it. In his view Lincoln early made his decision for the use of force and delayed action only because of the necessity of



building cabinet and public support for a reinforcement policy which he well understood must lead to war. In the end he was able to use a starving garrison theory (which Tilley demolishes) to justify an expedition for the pretended purpose of carrying provisions to Anderson, the real purpose being to begin a war in which the South would appear to be the aggressor.

Because it illuminates many points in a tangled story, *Lincoln Takes Command* is a "must" book for those who would understand the period between the secession of South Carolina and the fall of Fort Sumter. That Lincoln in the final analysis deliberately chose war and cleverly maneuvered the South into the position of assailant is amply demonstrated. It would have been a better book however, if the author had maintained the air of a judge rather than that of an overzealous prosecuting attorney.

The volume contains a foreword by Avery Craven, an adequate index, and two appendices. Of the latter, one delivers a deserved rebuke to certain writers of high school history texts and the other explores the mystery of the letter from which Lincoln purportedly received distressing intelligence of Major Anderson's food supply about the time of the inauguration.

CHARLES E. CAUTHEN.

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COLUMBIA, S. C.

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LAWS AND JOINT RESOLUTIONS OF THE LAST SESSION OF THE CONFEDERATE CONGRESS (NOVEMBER 7, 1864-MARCH 18, 1865) TOGETHER WITH THE SECRET ACTS OF PREVIOUS CONGRESSES. By Charles W. Ramsdell, editor. (Durham: Duke University Press. 1941. Pp. xxvii, 183. \$2.50.)

When the Confederate President and his Cabinet fled from Richmond in April, 1865, the several custodians of governmental archives carried away the more important papers only to abandon them at various places along the line of retreat. From among the records left at Chester, South Carolina, the late Professor William K. Boyd in 1930 purchased, for the Flowers Memorial Collection at Duke University, eighty-nine of the manuscript enrolled acts and resolutions passed at the last session of the Confederate Congress; certified copies of two others in the handwriting of the editor of the Confederate *Statutes at Large*; and the



enrolled originals of four other acts and one joint resolution, all marked "secret," passed in previous sessions but never published. Along with these documents Professor Boyd also obtained the official manuscript "Register of Acts, C. S. A.," in which had been listed in chronological order the titles of all the acts and resolutions of the Congress, secret as well as public, from the formation of the Confederate Government in February, 1861, to March 18, 1865.

In line with Professor Boyd's intention to publish some of the more significant documents in the Flowers Collection, a task which he did not live to accomplish, the present volume is offered somewhat as an extension of his career. Since the "Register" lists one hundred and ninety-nine acts and joint resolutions for the last session, of which Duke possesses only ninety-two (including the two certified copies and one additional manuscript enrolled act acquired with the W. W. Holden papers), and thirty-eight *secret* acts and resolutions passed in previous sessions, of which Duke has only five, Professor Ramsdell, when invited to edit the present volume, asked and received permission to search elsewhere for as many of the missing acts and resolutions as could be found. This search, the fascinating details of which are too numerous to be recounted here, proved so fruitful of results that the editor was able to recover the texts of all save one of the acts and resolutions of the final session, and all except four of the secret acts and resolutions. In this volume the acts and resolutions of the final session are printed in chronological order, each with an appended note indicating the source from which the text was secured; and the same procedure is followed with regard to the secret acts and resolutions.

An exceptionally careful job of editing makes this volume of great value to scholars in the field of Southern history. Especially does the publication for the first time of an almost complete set of the laws passed during the last dark winter of the Confederacy shed light upon what the civil authorities were doing in a period which has hitherto been emphasized mainly from the military angle. A convenient bibliographical note furnishes all pertinent information relative to the measures taken by the Confederate Congresses for the publication of their laws, and lists all the Confederate imprints of these laws together with the locations where copies may be found. "So far as can be discovered," says the editor,



"this is the first such complete descriptive list to be published." The inclusion of an analytical index to the subject matter of the laws is also helpful.

The highest praise is due to Professor Ramsdell for editing and to Duke University for sponsoring the publication of this volume.

JAMES W. PATTON.

CONVERSE COLLEGE,  
SPARTANBURG, S. C.

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PROPAGANDA AND THE AMERICAN REVOLUTION. By Philip Davidson. (Chapel Hill: The University of North Carolina Press. 1941. Pp. xvi, 460. \$4.00.)

The colonial leaders in the period of the American Revolution were confronted with a problem of considerable magnitude: they had somehow to sell their fellow Americans the idea that their individual grievances, great and small, grave and petty, were so intimately related to the broad basic principles of the right to life, liberty, and property that they were in duty bound to defend themselves against British policies. Professor Davidson in this volume has essayed the task of examining the techniques, media, and materials of this "sales campaign."

He begins with a chapter on the Whig propagandists which is packed full of human interest. Thirty-six "dignified agitators" are in his list as well as eleven lower-class leaders, a group about which little is known and of whom there must have been a very much larger number. Obscure men, these latter, who can scarcely have comprehended the significance of the events in which they participated. The author then gives a brilliant statement of the purposes and problems which conditioned the efforts of these men. This account is one of the best brief summaries in print of the causes of the Revolution. The remaining chapters of the section on Whig propaganda deal with agencies and organizations, the appeal to the colonial sense of justice, self-interest, and hate, and the methods of presenting the appeal, whether straightforward argument, satire, allegory, pictorial or oral suggestion, or other devices.

One of the main sources of the strength of the Whig propaganda thus analyzed was the fact that its authors were fomenting a revolution *against*, not *for* change. Instead of



attempting to disturb the existing situation, the Revolutionary leaders were trying to maintain it. This perhaps explains why the influence of the propagandists was greater than their number would indicate.

The problem of the Tories was more difficult. Relying too much on legal pressure and "unintentional propaganda," that is, "traditional attitudes and values," they appealed for the most part to the "'thinking reasonable part of mankind' and were contemptuous of the buffoonish efforts of the Whigs to influence the lower classes." In spite of this, Professor Davidson thinks that the Tories (1763-1776) did remarkably well and that "taking all the difficulties into consideration, it is evident that the Loyalists [1776-1783] did a more effective job with the limited resources at their command than did the Whigs, whose opportunities were greater."

The chapters concerning the Tory counter-efforts are more novel than those concerning the Whig propaganda in the pre-Revolutionary era, while those which deal with Whig and Loyalist efforts during the war itself form the first adequate treatment of the work of forming public opinion during the Revolution.

Professor Davidson's decision to use the word "propaganda" in his title must have caused him to consider whether the advantages of the word in provoking popular interest would outweigh the disadvantages of the popular misunderstanding of its true meaning. It is to be doubted whether Sam Adams ever knew that he was a "propagandist" or that he ever devoted much thought to the "techniques" which he used. To be terse, he was a "natural." The methods of modern propaganda analysis, too, applied to events far past, are likely to give a sense of orderliness and intent not really present. Practically everything which the author has said could have been said without attempting to fit the materials into the framework of Lasswell's *Propaganda Technique* or Bobb's *Propaganda, Its Psychology and Technique*. It is possible that in so attempting, Professor Davidson has given either too much history or too little psychology.

In a work of such wide scope as this, it is inevitable that there should be what one reader or another considers omissions or errors of emphasis. The present reviewer thinks



that Professor Davidson (p. 209) has underestimated the reading ability of the American public. He thinks that the Congregational churches of New England were not as unorganized and individualistic as Professor Davidson (p. 85) believes. He wonders why the Declaration of Independence as a propaganda document receives such scant mention (p. 17). He is surprised that Patrick Henry is not only not in the list of propagandists but that he apparently had so little to do with the Revolutionary cause. He questions whether, having said of James Otis, "no one did more than he to raise the preliminaries of the storm," Professor Davidson should not have given more evidence of his influence. He does not understand what Professor Davidson means by saying (p. 410) that without the work of the propagandists, independence would not have been recognized in 1783. Since independence was "recognized" by the British, he would seem to mean that they were influenced to this conclusion by American propaganda.

But these queries do not affect the fundamental validity of this excellent study. It will be a long while before a better account of the efforts of the formulators of public opinion in the American Revolution—an account better documented, better organized, better told—will be found.

ROBERT E. MOODY.

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BOSTON, MASS.



## HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*, the *North Carolina Booklet*, and the *North Carolina Day Program*. These publications are out of print. Anyone possessing duplicates is requested to send them to C. C. Crittenden, secretary of the North Carolina Historical Commission, Raleigh, North Carolina. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of *The North Carolina Historical Review* may be procured from the secretary of the North Carolina Historical Commission at the regular price of \$2.00 per volume, or \$.50 per number.

On June 3 a tablet was unveiled in Cabarrus County, just outside the town of Concord, where Jefferson Davis and his cabinet stopped on their flight south after Lee's surrender at Appomattox. Dr. C. C. Crittenden delivered the principal address.

On June 24 at High Point College a bronze tablet was unveiled in memory of Yadkin College (1856-1924), and on June 26 on the old Yadkin College Campus in Davidson County a memorial for the same purpose was dedicated.

The annual meeting of the Brown-Fisher Families' Association was held at Granite Quarry, Rowan County, on August 12. The principal address was made by Reverend Oscar Fisher Blackwelder of Washington, D. C., and plans were discussed for the restoration of the old rock house nearby which was built in 1766 by Michael Braun, a German emigrant and the ancestor of the Fishers and the Browns.

Dr. David A. Lockmiller of North Carolina State College has been promoted to the position of professor of history and political science. During the summer he taught in the



graduate school of the North Carolina College for Negroes in Durham.

Mr. L. W. Barnhardt of North Carolina State College has been promoted to the rank of associate professor.

Dr. Robert D. W. Connor, who in 1934 was appointed first Archivist of the United States and who has held that position ever since, has resigned to accept a specially endowed chair of American history and jurisprudence at the University of North Carolina at Chapel Hill.

Miss Christiana McFayden and Dr. Eugene Pfaff, both of the Woman's College of the University of North Carolina, are on leave for the entire year. The former is studying for her doctor's degree at the University of Chicago, while the latter is doing special research and writing at Columbia University.

Dr. Elizabeth Cometti (Ph. D., University of Virginia) and Miss Jane Zimmerman (M. A., University of North Carolina) have been appointed to instructorships at the Woman's College of the University of North Carolina.

Books received include: Marvin Lucian Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, The James Sprunt Studies in History and Political Science, vol. XXV, no. 1 (Chapel Hill: The University of North Carolina Press. 1941); Carl Raymond Woodward, *Ploughs and Politicks: Charles Read of New Jersey and His Notes on Agriculture, 1715-1774* (New Brunswick: Rutgers University Press. 1941); Henry Lee Swint, *The Northern Teacher in the South, 1862-1870* (Nashville: Vanderbilt University Press. 1941); Amy Muse, *The Story of the Methodists in the Port of Beaufort* (New Bern: Owen G. Dunn Company. 1941).

Under the historical highway marker program, begun in 1935 and conducted coöperatively by the State Highway and Public Works Commission, the Department of Conservation and Development, and the Historical Commission, nearly 400 markers have been erected to date. For several months the work was held up because of the shortage of



aluminum, due to the national defense program, but the substitution of iron for aluminum has made it possible to get under way again.

The North Carolina Historical Commission has recently acquired the following new materials:

Eighteen volumes of minute dockets, expense books, tariff records, and statements of property listed for taxation by railroad companies, 1891-1899, of the North Carolina Railroad Commission, which was a regulatory body and which in 1899 was succeeded by the North Carolina Corporation Commission.

Thirty volumes and eighty boxes of minute dockets, judgment dockets, valuation of railroads, certificates of incorporation of business firms, expense books, North Carolina Coal Committee records, and railroad tariffs, 1899-1934, of the North Carolina Corporation Commission, which succeeded the North Carolina Railroad Commission in 1899. The Corporation Commission was succeeded by the Utilities Commission in 1934.

The Banking Commission was a division in the Corporation Commission and there are twenty-three volumes and one hundred ninety-five file boxes of records of this division. This material consists of minutes of meeting of boards of directors, correspondence, reports of bank examiners, and miscellaneous items. It is dated 1899-1934. There are in the collection twenty-seven file boxes of call reports of banks, dated 1887-1888.

Approximately one hundred forty-five volumes of Wake County records consisting of the minutes of the court of pleas and quarter sessions, 1787-1868; judgment dockets, guardian bonds, guardian accounts, inventories and settlements of estates, registration books, trial, recognizance, and execution dockets, accounts, and miscellaneous material dating between 1772 and 1936.

The North Carolina Historical Records Survey, a Work Projects Administration project which has been sponsored since its inception in 1936 by the North Carolina Historical Commission, has completed and turned over to the printers the manuscript of the *Guide to Manuscript Collections in the Archives of the North Carolina Historical Commission*, to be



published by the Commission. Although employment on the Survey has been considerably reduced during the past year in order to permit the diversion of a number of certified workers to projects more directly concerned with the national defense effort, progress has been satisfactory. Filing of manuscripts in the Southern Historical Collection at the University of North Carolina Library has been completed and similar work on the archives of the state government in the custody of the Historical Commission has resulted in the proper filing of hundreds of thousands of documents. Under the early American imprints program Survey workers have listed 75,377 titles (duplicates included) of volumes printed in the United States prior to 1877 from the shelves and catalogs of the various libraries and depositories in the State. The state-wide alphabetical file for vital statistics information taken from tombstones inscriptions now contains cards for 226,892 graves, covering 5,875 cemeteries. An additional 26,518 inscriptions have been listed but not yet processed. Records have been located and listed and historical data secured for some 4,000 churches. Field examination of the records of most of the state agencies has been completed, and the status of the program in this field is very satisfactory.

The present list of publications of the Survey presents an encouraging picture. Copies have been distributed to a selected list of depositories throughout the country, as well as to a large list within the State. The printed items may be obtained as indicated in the list below, but the limited number of available copies of the mimeographed items prohibits their distribution to individuals or to depositories other than those on the selected lists. A complete list of the publications of the Survey to date follows:

*The Historical Records of North Carolina: The County Records* (Raleigh: The North Carolina Historical Commission. Free except for a mailing fee of \$.25 per volume):

Vol. 1. *Alamance through Columbus* (26 counties, xi, 491 p. printed, March, 1938)

Vol. 2. *Craven through Moore* (40 counties, xi, 568 p. printed, August, 1938)

Vol. 3. *Nash through Yancey* (37 counties, x, 760 p. printed, October, 1939)



*Inventory of the State Archives of North Carolina:*

## Series 2. Agencies of Fiscal Control:

No. 4. Local Government Commission (iv, 32 p. mimeo., March, 1941)

## Series 4. Regulatory Agencies:

No. 3. Insurance Department (iv, 78 p. mimeo., August, 1940)

No. 4. State Board of Alcoholic Control (iv, 12 p. mimeo., November, 1939)

Nos. 5-27. Licensing Boards (vii, 123 p., mimeo., May, 1941)

## Series 8. Social Service Agencies:

No. 20. Stonewall Jackson Manual Training and Industrial School (iv, 12 p. mimeo., January, 1941)

## Series 9. Miscellaneous Agencies:

No. 1. North Carolina Historical Commission (iv, 13 p. mimeo., September, 1940)

No. 5. Board of Advisers of the Veterans Loan Fund (iv, 22 p. mimeo., April, 1940)

No. 10. North Carolina Rural Electrification Authority (iv, 9 p. mimeo., January, 1940)

*Manuscript Publications:*

*Guide to Depositories of Manuscript Collections in North Carolina.* (18 p. printed. Raleigh: The North Carolina Historical Commission, 1940. Free)

*Guide to the Manuscript Collections in the Duke University Library.* (v, 165 p. mimeo., June, 1939)

*Guide to Manuscripts in the Southern Historical Collection of the University of North Carolina.* (viii, 204 p. printed. Chapel Hill: The University of North Carolina Press, 1941. \$1.25)

A Calendar of the Bartlett Yancey Papers in the Southern Historical Collection of the University of North Carolina. (iv, 48 p. mimeo., February, 1940)

*Inventory of the Church Archives of North Carolina:*

## Southern Baptist Convention:

Alleghany Association (vi, 12 p. mimeo., March, 1940)

Raleigh Association (vi, 56 p. mimeo., July, 1940)

Brunswick Association (vi, 23 p. mimeo., January, 1941)

Stanly Association (vi, 33 p. mimeo., February, 1941)

Flat River Association (vi, 39 p. mimeo., February, 1941)

Central Association (vi, 42 p. mimeo., February, 1941)



The Survey of Federal Archives, another Work Projects Administration project sponsored by the Historical Commission, has completed its work of inventorying the records of Federal agencies in North Carolina. Fifteen inventories in mimeograph form have been prepared and issued concerning the following departments: the Federal courts; the departments of the Treasury, War, Justice, the Navy, the Interior, Agriculture (3 vols.), Commerce, and Labor; the Veterans' Administration; the Civil Works Administration; the Emergency Relief Administration; the Farm Credit Administration; the Works Progress Administration; and various miscellaneous agencies.



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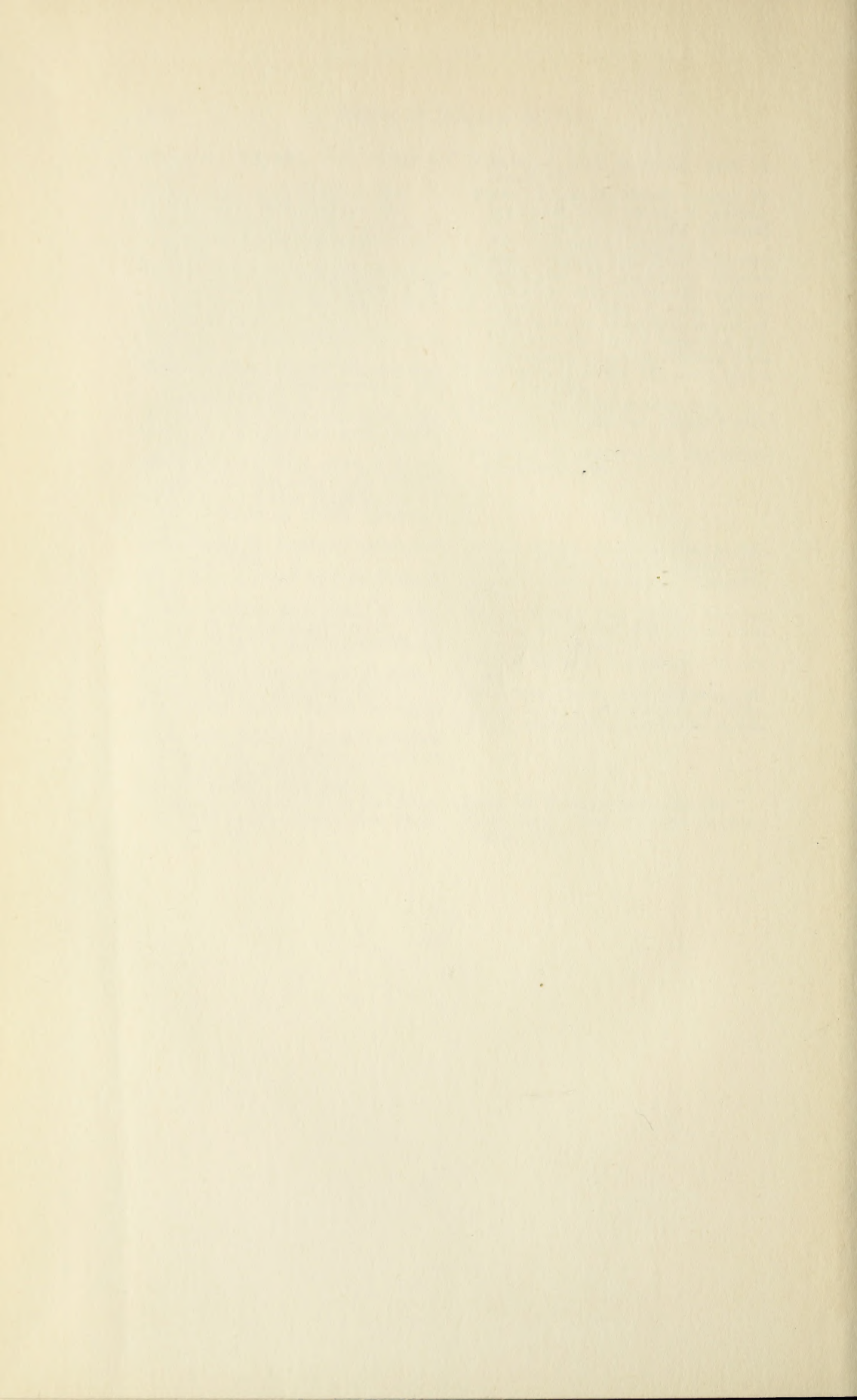


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